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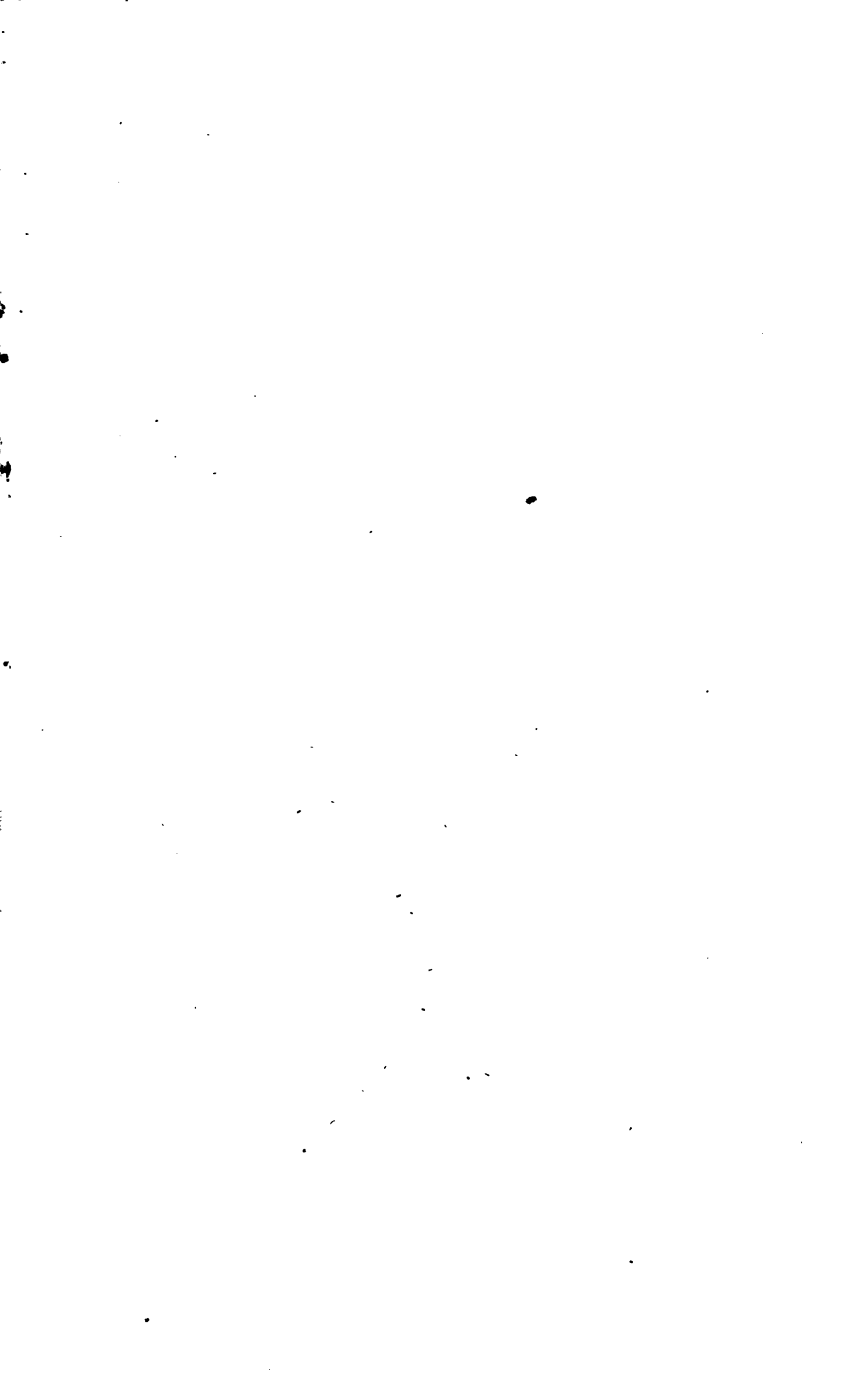
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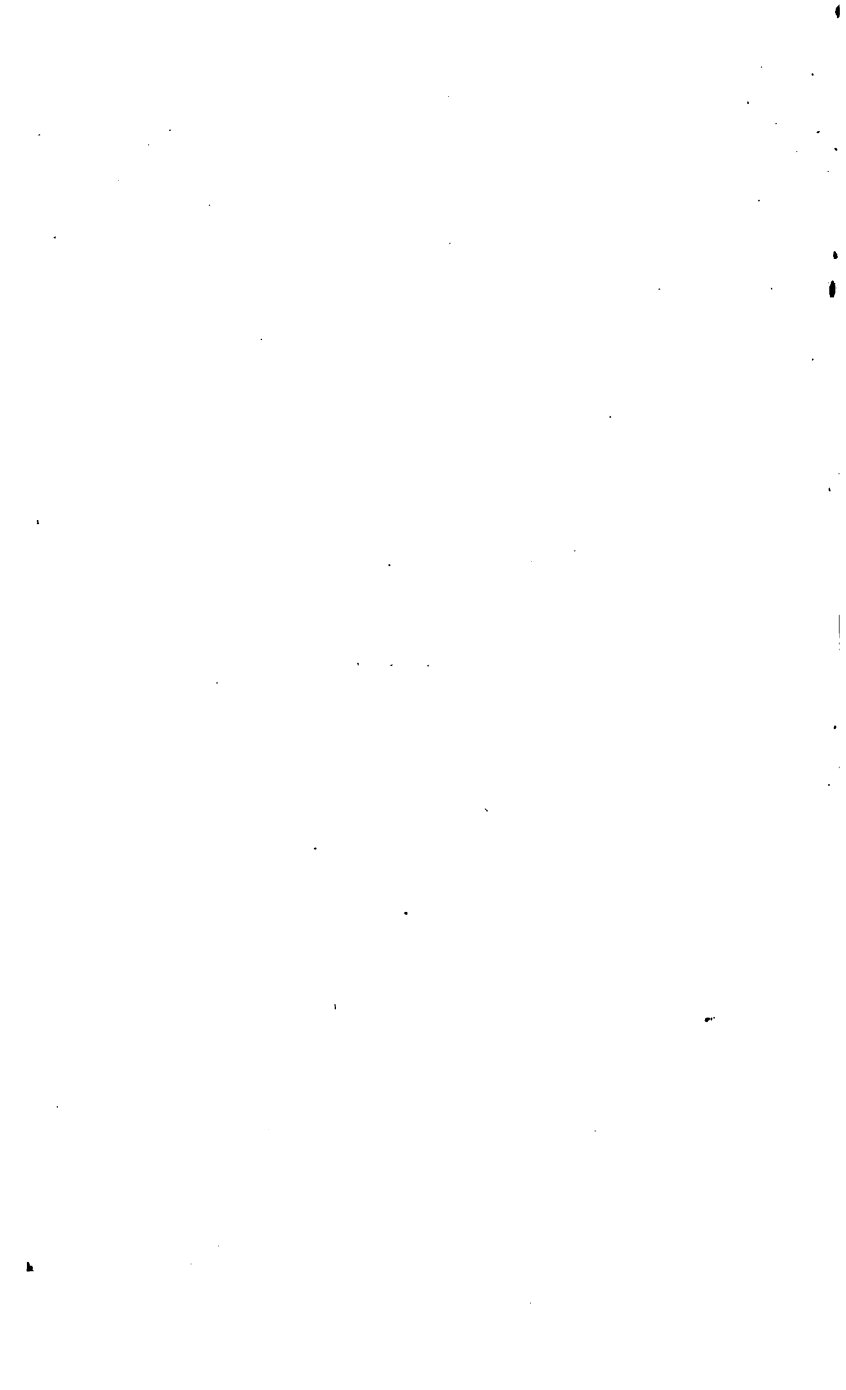
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THE
BENCH AND THE BAR.

VOL. II.



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THE
BENCH AND THE BAR.

BY THE AUTHOR OF
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CHAPTER VII.

JUDGES IN THE EQUITY COURTS.

Lord Cottenham—Sir Launcelot Shadwell—Lord
Langdale *Page* 1

CHAPTER VIII.

LATE COUNSEL AT THE BAR.

Mr. Bell—Mr. Blackburne—Mr. Agar—Mr. Serjeant
Onslow—Sir Edward Sugden 16

CHAPTER IX.

COUNSEL IN THE COURT OF QUEEN'S BENCH.

Sir John Campbell—Sir Robert Rolfe—Sir Frederick
Pollock—Sir William Follett—Mr. Erle—Mr. Cress-
well—Mr. Alexander—Mr. Platt—Mr. Sydney Tay-
lor—Mr. Richards—Mr. Wightman 37

CHAPTER X.

COUNSEL IN THE COURT OF EXCHEQUER.

Mr. Thessiger—Mr. Kelly—Mr. Jervis—Mr. Matthew Hill—Mr. Curwood	114
---	-----

CHAPTER XI.

COUNSEL IN THE COURT OF COMMON PLEAS.

Mr. Serjeant Wilde—Mr. Serjeant Talfourd—Mr. Serjeant Taddy—Mr. Serjeant Atcherley—Mr. Serjeant Spankie—Mr. Serjeant Bompas—Mr. Serjeant Storks	142
---	-----

CHAPTER XII.

COUNSEL IN THE EQUITY COURTS.

Mr. Pemberton—Sir Charles Wetherell—Sir William Horne—Mr. Knight—Mr. Kendersley—Mr. Temple—Mr. Wigram—Mr. Tinney—Mr. Treslove—Mr. Boteler—Mr. Spence—Mr. Whitmarsh—Mr. Burge—Mr. Romilly	190
--	-----

CHAPTER XIII.

GENERAL REMARKS AND ANECDOTES.

The Browbeating and Vituperative System—Cases of Sir Walter Raleigh and Dr. Smollett—Happy Retorts of Witnesses to Counsel—Ingenious Expedient of a Counsel—Concluding Observations	245
---	-----

THE BENCH AND THE BAR.

CHAPTER VII.

JUDGES IN THE EQUITY COURTS.

LORD COTTENHAM—SIR LAUNCELOT SHADWELL—
LORD LANGDALE.

LORD COTTENHAM has now presided in the Court of Chancery, as well as in the House of Lords, for nearly three years. As a member of the Chancery bar, to which he was called in 1804, Mr. Pepys was, for many years prior to his elevation to the judicial bench, regarded as considerably above mediocrity;

but he certainly never was, in the general estimation even of the members of his own profession, looked on as a first-rate man. It is but justice to him, however, to state, that those who knew him most intimately had the highest opinion of his attainments as an equity lawyer. His knowledge was varied and accurate; but he did not always turn it to that account which a more dexterous pleader would have done. He did not appear to great advantage in addressing the court. He was deficient in that dexterity at tricky expedients, if that be the proper phrase, which constitutes in the case of many others in Westminster Hall, the principal cause of their success; and without which they would neither have a name, nor, what would be still worse, a remunerative business. Perhaps Mr. Pepys was one of the most honest of his contemporary brethren at the bar. I believe that few men ever rested their cases [so much on their merits in point of equity, as did the learned gentleman. But an excess of honesty—a very rare attribute in lawyers—was not the only thing which militated against his rising higher than he did in his pro-

fession: his defects as a speaker operated in the same direction. His voice was by no means good; and its imperfections were much aggravated by the mumbling sort of way in which he always spoke. His articulation was very indistinct; and he spoke, in most cases, with a rapidity which impaired the efficiency of his addresses. He had nothing showy about him as a speaker: the merit of his speeches always consisted in the matter, and not in their manner. Even in the matter of his addresses, apart from the knowledge of equity they displayed, and the soundness of his arguments, there was nothing to indicate a superior mind. There were no symptoms of the philosopher; no evidences that the speaker was a man who applied himself to the pursuit of objects connected with general literature or with science. The style of Mr. Pepys' speeches was plain; it was not remarkable for its beauty. As for anything deserving the name of eloquence, it would have been a hopeless task to search for it in his speeches. His chief merit as a lawyer, in addition to extensive professional knowledge, was

the assiduity with which he applied himself to the duties of his calling. He was a most steady and industrious man : few men have fagged more at their professional duties than did Mr. Pepys.

He was not long in Westminster Hall before he got into a respectable business. Though his professional qualifications were sufficiently great to have entitled him to a profitable practice, and though they might have eventually gained him one, yet it is generally understood that his rich and influential family connexions were the means of getting him a very considerable proportion of his briefs.

He was raised to the judicial seat in the Rolls Court in September 1834, on which occasion he received the honour of knighthood. For some years previous to this time, he had enjoyed the distinction of being King's counsel. His Honour was considered a good judge when presiding in the Rolls Court ; but he certainly did not rank so high in the estimation of the bar in his judicial capacity there, as he has done since his elevation to the office of Lord Chancellor.* His

* Contemporaneously with his elevation to the

decisions in the Court of Chancery are the admiration of the whole bar. They are not more sound in themselves, than they are skilfully arranged and luminously delivered. They not only evince a thorough knowledge of the principles of equity ; but indicate his lordship's possession of the faculty of weighing a case, however intricate, in all its bearings. In fact, Lord Cottenham has, within the last two years, earned for himself the highest possible reputation as a judicial character. And though his judgments thus give the greatest satisfaction to the bar and the public, they are not the result of any unusually lengthened consideration. He is affording, day after day, undoubted proof of the possibility of a judge, when properly qualified for his office, giving just decisions on the cases before him, within such a reasonable time as will prevent the suitors on either side from being ruined by delay,—which was a matter of very frequent occurrence in the former history of the Court of Chancery.

Chancellorship, he was raised to the dignity of a peer, under the title of Baron Cottenham.

Lord Cottenham is much respected in his private capacity, as well as in that of a judge. As a political character, he was scarcely known until his elevation to the woolsack. Even for some time after that elevation, he took no very decided part in politics. Latterly, however, he has come forth with some prominence in this respect. I heard him make some pithy, though usually short speeches, in vindication of the measures of Lord Melbourne's government, in the course of last session of parliament.

Lord Cottenham is drawing towards his sixtieth year. He is tall and stoutly made, with a considerable breadth of shoulders. He inclines to corpulency. There are various wrinkles in his face; but his complexion has a fresh and healthy appearance for one who has spent upwards of thirty years of his life in courts of law. His face is round and large; it has a heavy and somewhat of a demure expression. Lord Cottenham is most attentive to the discharge of his duties, which, between the Court of Chancery and the House of Lords, are neither few nor small. He has the best wishes of his country-

men, that he may be long spared to perform them.

SIR LAUNCELOT SHADWELL has now been Vice-Chancellor precisely ten years. He was called to the bar in 1803. As a barrister, he possessed a very respectable reputation, and a very profitable business. His rise in his profession was steady rather than rapid. With his brethren at the bar, he ranked higher for his knowledge of equity, than as a mere advocate. His opinions, given in his own chambers on points submitted to him, were usually sound; and I believe he derived a considerable part of his professional income from that source. As a barrister addressing the court, he was not showy; he never aimed at effect. His client's cause, and not himself, was always uppermost in his mind. His speeches showed the variety and depth of his equity knowledge, and always had an immediate bearing on the points at issue between his client and the party on the opposite side. He was no wanderer: he was not one of those who stray from the real question, and touch on every

other. He was considered solid rather than brilliant. He spoke with great fluency; sometimes his delivery was too rapid: he scarcely gave the bench breathing time. His voice was never strong; but it was sufficiently clear, and his enunciation was distinct. His voice had little or no variety; but if he did not startle the court, as is sometimes done, by the loudness of his tones, neither did he descend so low in the acoustical scale as to be at times inaudible. His action was moderate; a slight occasional motion of his head, and a more frequent gentle movement of his right arm, might be said to constitute its entire amount. The expression of his face was always that of good-nature and of a cheerful mind. Few of his contemporaries in either of the courts could boast—for I do think it is a legitimate matter for boasting—of having less of the mere lawyer in their faces. He was equally a favourite with the bench and the bar, when himself a member of the latter. On his elevation to the judicial seat in the Vice-Chancellor's Court, he received the honour of knighthood.

As a judge, Sir Launcelot Shadwell has given

much satisfaction. The cases in which his decisions have been reversed in the Court of Chancery have been very few. He is cautious in arriving at conclusions. He examines every case which comes before him in all its bearings; and when giving judgment, he is usually at great pains to satisfy counsel, as he has before satisfied himself, that he has come to a conclusion in accordance with the equity of the case.

Sir Launcelot Shadwell is a remarkably pleasant man, and is much respected by all who know him, whether in his public or private capacity. He is of the middle size, and well made. He is considered a handsome man. His face has more colour than that of any judge, so far as my observation may be relied on, in Westminster Hall. His countenance has not changed its cheerful expression, as I have known some lawyers' countenances do, with his elevation to the judicial seat. It is as cheerful and expressive of good-nature as ever. He is one of those that do not think a smiling countenance incompatible with the functions of a judge. His face is of the oval form; he has a fine,

clear, intelligent eye, and a set of features which many a husbandless lady would give any price to possess. His age I should suppose to be verging on fifty.

LORD LANGDALE, formerly Mr. Bickersteth, has now performed the functions of a judge for upwards of two years, having been raised to the bench in the Rolls' Court on the removal of Sir Christopher Pepys to the Court of Chancery. Mr. Bickersteth is one of the few instances, in the annals of the legal profession, of a man being raised to the peerage without having been previously knighted. The same day which saw him plain Mr. Bickersteth, saw him a peer of the realm, under the title of Baron Langdale. His elevation to the peerage was contemporaneous with his appointment to the judicial seat in the Rolls' Court.

In Mr. Bickersteth's early career, there was much that is out of the beaten track. Notwithstanding the distinguished reputation—as will be afterwards noticed more fully—which he acquired for himself as an equity lawyer, the

profession of the law was not only not that to which he originally applied himself, but he did not turn his attention to its study, until after he had gone through all the studies, and taken all the steps, necessary to qualify himself for the practice of medicine. He received his diploma in due course, and was fully authorised to commence the medical practice wherever he thought proper, when, having gone on a tour on the Continent with the Countess of Oxford's family, he married one of her daughters, and after returning to England bethought himself of abjuring physic, and applying all the energies of his mind to the study of the law.

It can scarcely be necessary to add, that he was much more advanced in life than is usually the case with aspirants after forensic reputation, when called to the bar. This was in 1811; what his precise age at that time was, I have not the means of ascertaining. But the disadvantages under which he made his professional *débüt*, as regards the unusually advanced period of his life in which it took place, were soon counterbalanced by his superior talents.

Very few men, either at the equity or common law bar, have brought themselves more rapidly into notice than did Mr. Bickersteth; and few have been more fortunate in regard to the suddenness with which he got into an extensive and respectable business. To be sure, though his talents contributed much towards this desirable consummation, they did not do all: the influential and aristocratic connexions he formed by his marriage with the daughter of the Countess of Oxford, was one very fortunate circumstance for him in a professional point of view.

Mr. Bickersteth was, for many years prior to his elevation to the bench, admitted on all hands to be one of the first equity lawyers at the bar; perhaps, indeed, I should say he was the first; or if he had any rival, it was only in the person of Mr. Pemberton. Mr. Bickersteth was a skilful advocate, as well as a profound lawyer. There was no pomposity in his manner; nothing artificial or clap-trap about him. He scarcely ever used any action. He rose up, and would often address the court for two or three hours, just as

if he had been speaking to a private friend in his own house. Sometimes he would rest both hands on the bench before him; at other times he would hold his brief in one hand, and let the other hang down by his side, just as if it were a superfluous bodily appurtenance. But whatever way he chose to dispose of his hands, he set himself with a firm and unswerving resolution against sawing the air with them, or turning them to any theatrical purpose whatever. His voice was always good, and he spoke in a distinct and audible manner, without the least seeming effort. From the little exertion, indeed, which addressing the court appeared to cost him, I am satisfied he could have spoken from its meeting to its closing, for days in succession, without feeling exhausted in any sensible degree. He never seemed at a loss either for arguments or words; and his utterance was well-timed to the ear. He usually kept his bright, cheerful, half-smiling eye on his Honour; but ventured an occasional glance at the opposite counsel, to the demolition of whose strong-holds, whether in law, justice, or trickery, he was ap-

plying all the energies of his mind. I have seldom seen a man, in either of the courts in Westminster Hall, unite greater good-nature with so much firmness of purpose and decision of conduct. He always looked pleased: he appeared at all times to be in excellent humour with himself, and with everybody and everything around him. His countenance always presented a most agreeable contrast to the physiognomies of Sir Charles Wetherell, Sir William Horne, and, indeed, to those of the great body of big-wigged gentlemen in the court. It was a positive relief—a luxury of the first magnitude—to turn away one's eyes from their long and demure frontispieces, and to rest them on Mr. Bickersteth's ever cheerful countenance.

Lord Langdale has earned for himself a reputation as judge corresponding with the distinguished rank he occupied at the bar. His decisions have given the greatest satisfaction. A more popular appointment to the vacant seat in the Rolls' Court, could not have been made. He was a great favourite with the bar when a member of that body; he is equally so now that he occupies the judicial seat.

Lord Langdale is not an old man, considering the elevation he has reached in his profession and society solely by his own perseverance, in conjunction with very superior talents. He is only in or about his fifty-fifth year. He is rather above the middle height, and strongly and compactly made. The expression of his countenance is highly intelligent. His face is full, with an inclination to the oval conformation. His nose is rather prominent, though not unpleasantly so. He has a well-developed forehead, and, as before observed, a bright as well as cheerful eye. His complexion is rather dark, but has more of the glow of health upon it than is usual with those who preside in courts of law. In his political opinions Lord Langdale is decidedly liberal; but he scarcely ever speaks in the House of Lords, except on questions connected with the administration of the law of England.

CHAPTER VIII.

LATE COUNSEL AT THE BAR.

MR. BELL—MR. BLACKBURN—MR. AGAR—MR.
SERJEANT ONSLOW—SIR EDWARD SUGDEN.

MR. BELL, who died in the beginning of the present year, was one of the greatest Chancery lawyers which this country ever produced. For the extent of his information and the soundness of his views, it is admitted on all hands, he has never been equalled. Lord Eldon, when presiding in the Court of Chancery, was proverbial, under any circumstances, for the number and interminable duration of his doubts. But he was doubly doubtful when he knew that his opinion on any important point was in opposi-

tion to the private opinion of Mr. Bell. A gentleman, who was in a condition to speak very positively on this subject, lately mentioned to me, that Lord Eldon, in such a case, was always in a state of the most painful perplexity of mind.

As a mere speaker, Mr. Bell had no pretensions to the name. He had a harsh, husky voice, the unpleasantness of which was, to an English ear, greatly aggravated by his strong Scottish accent, which he retained till the last day of his life. He was not a fluent speaker. He spoke so quick that it was difficult oftentimes to understand him. His style, like his elocution, was deficient in elegance. His manner was not remarkable for animation; but there was an earnestness about him which showed that his client's interests lay near his heart.

Lord Eldon not only looked on Mr. Bell as the first equity lawyer of his day, but always entertained for him the warmest friendship. They were on habits of very close intimacy, and used to consult each other on all important matters individually affecting either. When

Mr. Bell, a good many years ago, resolved on retiring from the profession, the first person to whom he communicated his intention, was Lord Eldon, then the Lord Chancellor. His lordship having no immediate intention of vacating the woolsack, or resigning the great seal himself, endeavoured to dissuade Mr. Bell from retiring from professional life.

“ Really, Mr. Bell, I’m quite surprised to hear you talk of retiring from the bar,”* said Lord Eldon, on the learned gentleman mentioning the determination to which he had come.

“ My lord,” answered Mr. Bell, “ I am now getting advanced in years.”

“ So am I, Mr. Bell; I am your senior in years, and yet I have no intention of retiring.”

“ I find the duties of my profession to be now very arduous, my lord.”

“ I’m exactly in the same predicament, Mr. Bell; and yet the idea of retiring has never entered into my head.”

* A version of this anecdote has before appeared, but it is a very incorrect one.

“ But I find my physical strength declining, my lord.”

“ So do I, Mr. Bell ; and yet I do not mean at present to retire. Really, I’m surprised you should for a moment think of such a thing.”

“ I have now worked very hard in this court for a great many years, my lord.”

“ So have I, Mr. Bell ; but nevertheless I mean to remain in it. Come, you must abandon your intention.”

“ My lord, I do assure you I feel very much fatigued, and have much need of rest.”

“ That is just my situation, Mr. Bell ; and yet I have never thought of quitting this court.”

“ But, my lord,” said Mr. Bell, with peculiar emphasis ; “ but, my lord, I have got money enough.”*

His lordship was struck speechless by this last observation. He was not the man to make a similar admission.

It was said of Mr. Bell, that though the first Chancery lawyer of his day, he was the worst

* Mr. Bell retired with a fortune of £100,000.

talker, the worst walker, and the worst writer in the profession. I believe this is very near the truth. I have already adverted to him as a speaker. As a walker, he certainly was the worst I have ever seen in a court of law. I recollect seeing him come into the Court of Chancery one day that I chanced to be there, about eighteen months ago, which was, I believe, the last visit he ever paid to it,—and his waddling manner of walking reminded me of a person beginning to learn to swim. He had a singular way of moving his arms, as well as his legs, in all his locomotive exercises. Of course, I speak of him only in his later years, not having known him at a previous period. Whether he was always so odd a walker, is a point which I cannot determine.

In connexion with his writing, a very amusing observation is current. It is said that he wrote three different hands; one which his clerk alone could read; one which nobody could read but himself; and a third which neither his clerk, nor himself, nor anybody else, could read.

Personally, his appearance was very unpre-

possessing. He was a short and thick man, and had quite a plain, if not a clownish, appearance. He had a round face, with rather a stupid expression of countenance. His complexion had a healthy hue even to the last. His countenance had always a smiling aspect. He was much respected by the profession, and by all who knew him. He must have been approaching his seventieth year when he died.

Mr. BLACKBURNE, who died a few months since, was well known both as a member of parliament and as a member of the bar. He was the representative of the electors of Huddersfield, in the House of Commons, at the time of his death. In parliament he was not in the habit of speaking with any frequency, but when he did address the House, he usually acquitted himself in a very creditable manner. The public measure, in which of late years he took the greatest interest, was the Municipal Corporation Reform Bill for England. He was appointed chief commissioner of the inquiry into the State of Corporations in England, which preceded the introduction of that measure into

parliament; and during its progress through the House of Commons, he spoke very often and very ably on the subject. For the way in which he discharged his official duties as Chief Commissioner in the Municipal Corporation Inquiry, he received the repeated acknowledgments of Lord Brougham and other ministers, in the House of Lords.

As a barrister, his practice was never large, but latterly it was of a respectable kind. Until the distinction of a silk gown was conferred upon him, he was but slightly known in his professional capacity. As a lawyer he ranked a little above mediocrity. His general acquirements were respectable. When allowed sufficient time to prepare himself, he appeared to advantage at the bar; but when unexpectedly called on, or only on a short notice, his forensic exhibitions were not of a superior order. He wanted that readiness, and that variety of resources on the spur of the moment, which are so essential to distinguished success at the bar. As a pleader in a court of law, his manner was languid and heavy; and yet, strange as it may

seem, he always spoke in very impassioned tones in the House of Commons. He had a fine sonorous voice, and hit on the happy medium between a too slow and too rapid utterance. His style was plain but accurate; and he was always intelligible, no matter how intricate the subject on which he spoke. He was a man of considerable energy of character. He was unpolished in his manner, as well as in his speeches. Some of his happiest hits as an advocate were made in the course of conflicts with the opposing counsel. What, on such occasions, he wanted in the variety of his resources was made up by the boldness of his manner. Few men in his profession, ever paid less attention to the precepts of Chesterfield. His plainness of manner was visible in his face. It had quite a country expression. His complexion was ruddy, and had all the appearance of good health until within a few days of his death. The learned gentleman's death took place under very affecting circumstances. It was not only sudden and unexpected, but he was on the eve of marriage at the time. I believe the wedding-day was

fixed for the week following that in which he died. He was a man of cheerful temper, which was indicated by the smile that perpetually irradiated his countenance. Few men have been more respected, either as a public or private character, than was Mr. Blackburne. He was of the middle height, with a slight tendency to corpulency. He had turned his fiftieth year when he died.

Mr. AGAR retired from the Chancery bar some years ago. He is the father of the profession. I do not know what is his exact age, but I believe it is not much under eighty. He was always considered a sound equity lawyer; but he never possessed any reputation as a mere speaker. There was a stiffness in his style which left an impression on the mind of the casual hearer, unfavourable to his character in a literary point of view. His manner, too, was much against him: it was heavy in no ordinary degree. He often hesitated, as if he had neither word nor idea of which to deliver himself. At all times he had an unpleasant mumbling sort of way of speaking. A person who chanced to

drop into the Court of Chancery when he was speaking, would have supposed that he was addressing it with a pebble in his mouth ;—just as if fancying that he was to become a second Demosthenes. His practice was respectable rather than large. His opinions were always looked up to with much deference by the profession. In person he was above the middle height, and rather corpulent. His face had a ruddy complexion—a very unusual thing with chancery lawyers. He was one of the best-looking men, considering his age, in Westminster Hall. He often laboured to say something smart ; but these were generally the occasions on which he was most dull and prosy.

Mr. SERJEANT ONSLOW was for many years a well-known counsel in the Court of Common Pleas. He had a very considerable practice for a long time previous to his retirement, and must, when that event occurred a good many years ago, have possessed a large property. He held the situation of King's Prime Serjeant* for

* This office has been since abolished.

a considerable period, which gave him a priority over all the other counsel in the same court. He was a highly respectable lawyer, though by no means one of the first class. As a lawyer, however, he possessed a much greater reputation than as a speaker. His manner was awkward and uninteresting. He had a rather shrill unpleasant voice, which was made more disagreeable by his unnatural way of speaking. He was always remarkable for the regularity of his attendance in court. He was almost invariably the first to enter it in the morning, and the last to quit it on its closing in the afternoon. He never seemed happy except when in court: even when he had no business, he was equally regular in his attendance. The very locality appeared to possess attractions to him of the highest order. Of course the place must have possessed a special interest to him, when tenanted by the judges, the counsel, and strangers; but I doubt not that, so great was his attachment to it, he would willingly have remained for hours in it after all others had left, if he had been allowed. For many years

after he retired from the bar, or, at all events, during which he never held a brief, he was as punctual in his attendance in court as ever. Latterly he became blind, or so nearly so, that he was obliged to be led about; and yet he never missed a day in his attendance in the Common Pleas. He was regularly led into it in the morning, and again out of it in the afternoon, by his clerk. The observation usually made by the other counsel on his making his appearance in the morning, was, "Here comes the poor old blind Serjeant." This strong attachment to the Court of Common Pleas, which continued in all its vigour so long as he was able to quit his own house, had something romantic in it. It afforded a fine illustration of the vigorous existence of the ruling passion under the most adverse conceivable circumstances. Every one has read of affectionate survivors continuing, at short intervals, regularly to re-visit the grave of a departed friend, so long as they were able to quit their houses; but I know of no instance of any person continuing as long as he was physically

able, to re-visit every day, and even after suffering under the calamity of blindness, the place in which he had, in other days, simply attended, in common with many of his acquaintances, in his professional capacity. Mr. Serjeant Onslow died a few years since, after attaining to an advanced age. He was a tall and slender man, and of very gentlemanly if not majestic appearance. His manners and dress were those of the old school.

Sir EDWARD SUGDEN was for many years the most distinguished counsel at the Chancery bar. He affords one of the many instances with which the bar, more perhaps than any other profession, abounds, of the distinction and wealth to which talent, when blended with perseverance, may raise its possessor. Few men have more signally or more rapidly bettered their condition than the learned gentleman. Like the late Lord Tenterden, Sir Edward Sugden is the son of a barber. His father practised in a small and homely way in the neighbourhood of Lincoln's Inn. Sir Edward himself, when a boy, used to

assist his parent in his humble calling. Nothing can be more honourable to any man than to raise himself into distinction and opulence by his own unaided talents; and, next to this, nothing can be more creditable to him, than to look back on his humble origin, without any feeling of mortification. Sir Edward Sugden is a man of this description, and so far differs from Lord Tenterden. The noble lord, as I have mentioned in my sketch of him in the first volume of this work, was exceedingly sensitive to any allusion to the humble circumstances of his early life. So far from feeling wounded when allusion is made to his lowly origin, Sir E. Sugden justly glories in the circumstance. When candidate, a few years since, for the representation of Cambridge, and when in the midst of an animated speech, in reply to a previous oration of Mr. Spring Rice, some one in the crowd sought to disconcert or annoy him by cries of "Soap," "Lather," &c., Sir Edward made a momentary pause, and pointing to the part of the crowd from whence the interruption proceeded, observed—"I am particularly obliged

to that gentleman for so politely reminding me of my humble origin. It is true, that I am a barber's son, and was once a barber myself. If the gentleman who so politely reminds me of the circumstance, had once been a barber, he would have continued one to the end of his life." This exceedingly happy retort was received with deafening applause by all present. It is unnecessary to say that the party who sought to annoy him by the unmannerly interruption, was utterly confounded by the way in which Sir Edward treated the matter.

Mr. Sugden, on being called to the bar, soon gave proofs of his great attainments as a Chancery lawyer; and those who were able to appreciate his professional acquirements, predicted, before his name was generally known, the distinction which eventually awaited him. In the course of time, he had the honour of a silk gown conferred on him. He had now acquired for himself the reputation of one of the first equity lawyers at the bar; and the extent of his business kept pace with his advancing pro-

fessional celebrity. For some years before he quitted the Chancery bar, he had perhaps the largest and most lucrative practice ever known in the equity courts. It is doubtful whether any barrister, even in the courts of law, ever derived from his practice so large a yearly income, as did Sir Edward Sugden. His annual average receipts from his business could not have been less than 15,000*l.*; if, indeed, they were not nearer 18,000*l.* There was not a single Chancery case of any importance, for many years previous to his retirement, in which he was not retained.

Sir Edward's knowledge of equity principles and proceedings was equally distinguished for its depth and variety; but perhaps the most remarkable attribute in his professional character was the extraordinary readiness he evinced in all emergencies. It was impossible to take him by surprise. Unexpected circumstances, adverse to the cause of his clients, which would have overwhelmed other counsel, never in the slightest sensible degree disconcerted him. His resources were always as ready as they seemed

inexhaustible. The promptitude and effect with which he brought these resources to bear on any unexpected adverse occurrence, amounted to a species of intuition. He was also exceedingly acute in detecting flaws on the adverse side, and was very ingenious in creating them where they did not exist. What made Sir Edward's resources in these respects tell with greater effect, was the accidental circumstance of his possessing at the same time a very unusual command of language. He was a fluent speaker. He was never at a loss for suitable phraseology, any more than for ideas. His most extemporaneous effusions—those parts of his speeches which in the very nature of things could not have been premeditated—had all the appearance, from the ease and fluency of their delivery, of being most carefully prepared beforehand. Sir Edward was not only a fluent, but on many occasions a highly eloquent speaker. He invested topics which were naturally dry, with charms of no ordinary kind, even to the minds of those who knew nothing of mere professional matters. His manner, as well as his matter, except when

indulging in some of his snappish propensities, was also attractive. His enunciation was well timed to the ear; which, with a graceful action, had the effect of neutralizing a sort of shrillness which characterised his voice in some of his more impassioned moods.

But while thus speaking in terms of merited praise of Sir Edward Sugden's attainments as a lawyer, and his talents as a speaker, a sense of impartiality requires me to add, that his manner was not always courteous. There was a sort of waspishness about him, which operated very prejudicially to his qualities as a man, in the estimation of the bar. He was in the habit of treating other counsel, when engaged on the opposite side of the same cases as himself, in a manner the reverse of respectful. This trait in his character was generally supposed to arise from an overweening opinion of himself. It is Dr. Johnson, if I remember rightly, who says, that no man can be a genius without knowing it. Sir Edward Sugden was certainly one instance of the justice of the great lexicographer's remark. He was a genius—I mean as a professional man

—and no one knew that he was so, better than himself. In the House of Commons he furnished one notable illustration of the high estimation in which he held his own acquirements as a lawyer. When the Reform Bill was under discussion in Parliament, he, as was to be expected of one whose Tory leanings were so strong, gave it his most strenuous opposition; but when once it had got into committee, he stated, that he would then apply all the powers of his mind to improve its details to such an extent as would insure its practical working. With this view, as he himself stated, he made a great many propositions and suggestions in committee; but these not having been adopted, he became highly offended, and openly stated in the House, that he would interest himself no further in the matter. He kept his word: I believe he never afterwards made a single observation on the measure in its progress through committee.

Sir Edward Sugden quitted the Chancery bar on being appointed, in 1834, by the Wellington and Peel administration, to the office of Lord

Chancellor in Ireland. On that occasion he was offered a peerage, but refused it, owing to circumstances of a family nature, to which I need not particularly allude. In his capacity of judge he gave great satisfaction; and it was the general impression that his judicial reputation would soon be equal to the reputation he so long enjoyed as counsel. But while such were the general expectations, he suddenly resigned his office, owing to what he conceived an unmerited slight, offered by the Lady of the Lord Lieutenant of that country, to Lady Sugden. He immediately afterwards returned to England. The circumstance of his having been once in the judicial seat, deprives him of the right of returning to the bar. He has lately been elected as the representative of the electors of Ripon, and it is understood that, in the event of the Tories returning to power, one of their first acts will be to instal him in the office of Speaker of the House of Commons.

Sir Edward's personal appearance is not much in his favour. He is diminutive in stature. His complexion is sallow. In his countenance

there is something indicative of a hot and hasty temper. His features are regular, but the form of his face is rather sharp. He is now about his sixtieth year.

CHAPTER IX.

COUNSEL IN THE COURT OF QUEEN'S BENCH.

SIR JOHN CAMPBELL—SIR ROBERT ROLFE—SIR
 FREDERICK POLLOCK—SIR WILLIAM FOLLETT—
 MR. EARLE—MR. CRESSWELL—MR. ALEXANDER
 —MR. PLATT—MR. SYDNEY TAYLOR—MR.
 RICHARDS—MR. WIGHTMAN.

SIR JOHN CAMPBELL was well known, both by the bar and the public, before he could rejoice in the honorary prefix of "Sir" to his name, and of course before his appointment to the office of Attorney General,—the distinction of knighthood having been conferred upon him contemporaneously with the attorney-generalship. He is a favourable specimen of what an untiring plodding industry, coupled with good

tempt, have accomplished the ascent of Mont Blanc,—always assuming that he made no false step, owing to the slipperiness of the icy path. Of this I am certain, that he would not have stuck in the middle of the snowy region, nor for a moment entertained the idea of “going back again,” because of the fatigues of the task. His determination always has been, never to relinquish any undertaking the accomplishment of which does not involve a physical or moral impossibility.

Sir John Campbell, when he found that his status at the bar, and the amount of his income, would justify the step, became a candidate for a seat in the legislature. That object of his ambition he soon gained. Of his character as a representative of the people, I need not here say anything, having spoken of him at some length in that capacity, in my “Random Recollections of the House of Commons.”

Sir John Campbell is by no means a brilliant man at the bar, any more than he is in the legislature. His professional knowledge is accurate as far as it goes, but it is neither so varied nor

minute as that of many of his brethren at the bar. What he does know, he displays considerable tact in turning to the best account. He is one indeed who, on a very limited stock, could carry on a very extensive business. He makes himself master of the principal details of the case, and if his memory supplies him with any precedents or cases in point, he brings them to bear on it at once. And this he does in a very skilful manner. He has the judgment, or dexterity, or whatever else it may be termed, to avoid a great error which is very common even among men of considerable reputation at the bar. I allude to the circumstance of his never encumbering his case by an unnecessary accumulation of arguments, or by introducing into his speeches irrelevant matter. He has the happy knack of knowing when to stop, and what arguments or facts are likely to be serviceable to his case. I doubt indeed whether he does not occasionally run to the other extreme, and omit matter which would strengthen the view of the case he is retained to advocate. Be this as it may, he never over

talents, may do for a man at the English bar, as well as in most other professions. Sir John adds an additional illustration to the many before given, of Scotchmen raising themselves to distinction by an undeviating course of steady conduct, joined to an indefatigable application to business. He is the son of a Scotch clergyman, who could give him no other patrimony than a liberal education. Mr. Campbell came in early life to London; and having qualified himself for the English bar, commenced practising at Westminster Hall. For a time his briefs were neither numerous nor important: it needs no special acquaintance with the principles of logic to come to the conclusion, that for a corresponding length of time, the income he derived from his profession was not large. Mr. Campbell, however, had in early life adopted for his motto, the trisyllable "Persevere;" and resolutely embodying in his conduct the important principle expressed by the term, conjoined with the constant practice of a severe economy, he not only contrived, as the proverb has it, to make the day and the journey alike; but soon found the proceeds of his business ex-

ceed the amount of his expenditure. Not more ecstatic was the joy of Sir Isaac Newton when he discovered the great principle which regulates the laws of gravity, than was Mr. John Campbell—or “plain John Campbell,” as he still loves to call himself—when he discovered that his professional income exceeded the expenditure incurred by his mode of living; frugal though that mode unquestionably was. Mr. Campbell plodded and toiled away, and briefs in the course of eight or ten years, began to become tolerably plentiful,—though certainly not quite so abundant as Falstaff’s blackberries. He still, to use his own words, continued his ascent in the professional scale, until he reached the distinction of Attorney General, and began to pocket, as the reward of his forensic efforts, from £8,000 to £10,000 per annum. In fact, with his superior talents, his untiring perseverance could not fail to ensure his success. His habits of perseverance are not to be surpassed. I take it, that the same perseverance which he evinced in his capacity of barrister, would, had he made the at-

to show that there is an arm concealed under his gown; but surely everybody will allow, that this does not negative my assertion of his singular plainness of manner. It is true, indeed, that when he gets excited, (which, however, is so seldom as to constitute an era in his forensic existence) he makes what an Irishman would call "a trifle of motion;" but still that motion or gesture, if, for the sake of being understood, I must so call it, is not to be considered fatal to my hypothesis touching Sir John's plainness of manner. His manner is not only plain but heavy. There are few men at the bar whose manner has more of specific gravity in it. He looks as if he were asleep, except in those instances where the importance or the peculiar circumstances of the case, could not fail to arouse the most sluggish, and infuse some life into the least animated, of barristers. His voice reminds me in some measure of the sounds caused by a muffled drum. You would sometimes fancy, from the dolorous tones of his voice, that he was giving utterance to the language of a heart overflowing with grief. He would be quite in character in pro-

nouncing a funeral oration. The expression of his countenance is in perfect keeping with the dulness of his manner and the sorrowful character of his voice. He always looks remarkably grave, whatever the occasion on which he speaks. I am not particularly partial to walking, but I would go a good step, as the walkers phrase it, to see Sir John Campbell smile; to say nothing of a regular hearty laugh. But let me here guard against doing him injustice. It is not his fault that he does not laugh. I have often seen him make the attempt, but that attempt has always proved a failure. He does not, however, seem to be aware of this himself. It is fortunate for Sir John that an effective exhibition of his "risibilities" does not constitute one of the indispensable qualifications for the bar. Had that been the case the Attorney General would still have been at the foot of his profession. But though he never succeeds in any effort he makes to smile, he is by no means of a sour or surly disposition. I would rather characterise his temperament by the term "staidness," than by any other I could name. I take him to be a

tolerably good-natured sort of man; one that can, on occasion, do a friendly act from a friendly principle.

Sir John Campbell is proud of his profession. Were it not that the thing would have an odd appearance, I believe he would walk about in the streets, with his well-powdered wig and ample gown adorning his person. At all events, the fact consists with my personal knowledge, that if the House of Commons chances to sit on a Saturday, which it sometimes does, he rarely lets slip an opportunity of quitting Westminster Hall, and going for a few minutes into St. Stephen's, (which, as those acquainted with the localities of London know is hard by,)—with his wig and gown on, just to remind the members, in case they should forget the fact, that he is a lawyer.

Sir John plays sad havoc with certain vowels in his pronunciation of certain words. I have not been able to discover what can be the cause of his antipathy to the vowels *e* and *o*, for I have always thought them quite as harmless as any other letters in the alphabet; but he inva-

riably transforms them into a *u*. The word 'because,' he always pronounces '*bucause*,' and the word 'lord,' '*hurd*.' I know I may be asked the reason of his partiality for the vowel *u*, so marked, that he metamorphoses the unoffending *e* and *o* into it. I am sorry I cannot answer the question, any more than I can account for his antipathy to the latter letters.

Sir John Campbell has often, in his professional character, denounced the very thing which he once did himself, namely, the "stealing away," as Othello would express it, "a good man's daughter." Sir John eloped with the daughter of Lord Abinger, then Mr. Scarlett. The latter was dissatisfied in the first instance, but matters were, to use a legal phrase, soon compromised, and all parties, as in the *denouement* of a novel, made happy.

Sir John Campbell is a stout athletic man. He rejoices in a pair of good round shoulders : he would certainly have made an able-bodied labourer had fate made him a "working" man. His personal appearance is rather uncouth. In walking you would fancy he was some farmer

measuring distances on his lands, by means of what are called "paces." His head generally droops on his shoulder, as if the neck were tired of the burden; and he usually looks towards the ground on which he walks, as if lost in profound meditation. His complexion is pale: his eyes have little lustre in them. The whole expression of his countenance is that of a care-worn man;—though why he should be so, I cannot exactly understand; for he has no reason to complain of want of success, either as a politician or as a professional man. I have already glanced at the probable amount of his yearly income from his practice: he is understood to have saved a sum, the annual interest of which would enable him to keep up a handsome establishment. He is seemingly about fifty-five years of age.

Sir ROBERT ROLFE, the Solicitor General, has long had a large and respectable business. For many years after his *debüt* in Westminster Hall, the briefs did not drop in so rapidly as he could have wished; but their number gradually

increased as he became better known, until he received a silk gown some years ago. Since then his business, apart from that which is purely official, has been, I believe, nearly stationary. He has never been considered by the bar a first-rate man : all that can be said of him is, that he is above mediocrity. When appointed to the office of Solicitor General, under the Melbourne ministry, in 1834, considerable surprise, not unmingled with much dissatisfaction, was expressed by the profession generally, that he should have been the person fixed on for the situation. It was thought there were others of longer standing in Westminster Hall, whose claims were, to say the least of them, superior to his. This is a point on which I express no opinion ; but I may observe that mere professional talent is not always the passport to official appointments. Mr. Rolfe's politics were in accordance with the views of Lord Melbourne's ministry ; which was in all probability one very important consideration in the matter. In such cases, more or less of private influence is usually employed. Mr. Rolfe, on being ap-

pointed Solicitor General, had the honour of knighthood conferred on him.

Sir Robert Rolfe is not a man of philosophical mind. He never deals with first principles; nor does he, so far as I have observed, take a comprehensive view of any subject. What he excels in as a lawyer is, in seizing on all the subordinate points of a case, and bringing them with clearness before the court or jury. Little things, which would escape the observation of others accustomed to take a more enlarged view of a case, or to deal chiefly with its more obvious features, are noted by him with great care, and after being properly marshalled, are brought to bear on the question before the court. In this way, Sir Robert Rolfe has gained numerous cases which, but for the tact he has thus displayed, would certainly have gone against his clients. He also possesses considerable tact of another kind. He is quick in perceiving what are the circumstances which have come out in the course of the trial, which either the bench or the jury deem most adverse to the case of his client; and the moment he makes

the discovery, he applies himself with a zeal, and perseverance, and judgment, which deserve all praise, to grapple with the cause of the adverse impression. I recollect witnessing a striking instance of this in the Court of Exchequer in April last. The case before the court was one respecting a large smuggling transaction. The Solicitor General appeared for the crown, and Mr. Jervis and another gentleman, whose name I forget, were counsel for the defence. The whole merits of the case hinged on the credibility of one of the witnesses. He was a sort of king's evidence: he had been himself avowedly engaged in smuggling transactions for upwards of a quarter of a century, and yet he had laid the information on which the action in question was brought against some of his former particular friends. The counsel for the defence laboured hard to prove, that no faith could be placed on the evidence of a man, though on his oath, who had systematically defrauded the revenue for so long a period, and against whose moral character a variety of suspicious circumstances had transpired in the course of

the trial. The representations thus made by the counsel for the defence, had proved completely effectual: it was clear, from some questions which several of the jury put to the witness, that they had made up their minds to return a verdict for the defendants. Sir Robert Rolfe observing this, and perceiving at the same time that they had been guided to the conclusion to which they had, in their own minds come, by the doubts they entertained as to the truth of the statements made by this particular witness,—directed all his energies to convince the jury, that whatever stigmas might attach to the moral character of the witness otherwise, there existed not the slightest ground for impugning his testimony in the present case. He went on to show that, with one exception, every fact—even those facts which were most minute and unimportant—to which the witness had deposed, had been completely proved by the note-book of the captain of the vessel which conveyed the smuggled tobacco from Ireland to this country. “Now,” said the learned gentleman, “I put it to you, as honest and intelligent men, whether, when

you see that every word which the witness has spoken on all other points, has been so completely substantiated, you can doubt his evidence given on oath, on the only remaining point necessary to establish the case against the defence?" The legal dexterity of the Solicitor General succeeded. The jury looked at one another as if quite amazed that they did not view the case in the same light before, and without hesitation returned a verdict for the crown.

The style of Sir Robert Rolfe is deficient in vigour. It has no force or energy, and yet it can hardly be said to be diffuse. Its besetting sin is rather a defective construction of the sentences, than the use of too many words. It would be all the better too, were it a little more polished. I am no advocate for those rounded periods which bear, as Lord Brougham would say, the impress of labour on their very visage; but there is a difference between this and an almost entire want of attention to one's diction. The Solicitor General is never eloquent: he is as innocent of soaring as the greatest lover of the "lower world" could wish. Nor does he ever

make the attempt to ascend to the upper regions of intellectualism. And this, let me remark, in justice to him, is saying a great deal. He only looks ridiculous who, though always aspiring at rising far above his fellow men, is never able to mount an inch above the "grovelling earth." No man ought to be blamed for not succeeding in that which he never attempted. When, therefore, I say that Sir Robert Rolfe never mounts into the higher regions of mind, let me be understood as simply stating a fact, and not wishing to convey a censure.

The Solicitor General has no fancy. He is a plain matter-of-fact man. He cannot, for the life of him, see what connexion anything light or playful has with the dry and heavy matters of the law. Hence his speeches are always, to any but mere professional men, as uninteresting as it is possible to conceive. They are just the things to set one asleep. I have sometimes thought that even the judges themselves have had great difficulty in bearing up against their soporific tendencies.

Nor is the Solicitor General's matter relieved

by any vivacity of manner. He is a heavy speaker. There are few men at Westminster Hall who display less animation in their speeches. He is sparing in the use of his arms, and still less so in that of his head and body. Without being in strict propriety of speech a stock-still gentleman, he pretty nearly approaches to it. His voice, however, is pretty good. It is clear, and his enunciation is by no means amiss. He speaks with some rapidity, but is occasionally at a loss for a word. His principal redeeming quality as a speaker, is his self-complacent, ever-smiling countenance. Nobody ever saw him wear a grave face. No matter what be the subject—no matter though all around him be as grave in their looks as if they were so many undertakers—Sir Robert Rolfe will prove himself proof against the infection. If there were a smiling planet, I should say unhesitatingly that he had been born under it. It would be quite a treat to see some lawyers laugh: it would be a luxury of the first magnitude to see, for the sake of variety, the Solicitor General look grave. I doubt, indeed, if he have sufficient command

over the muscles of his face to assume a demure aspect, even were he to make the effort. In the case of a man who has, like him, worn a smiling countenance all his life, (a period, I should think, verging on half a century,) it will easily be conceived that the transition to an opposite expression of countenance, must be of very difficult if not an impossible achievement.

Sir Robert Rolfe has been several years in parliament, but there he seldom speaks.

Sir Robert Rolfe is rather under the usual height, and is somewhat feebly made. His complexion is pale, as if the atmosphere of Westminster Hall had taken the blood out of his cheeks. His eyes are rather small, and of a light grey colour. He has a prominent nose, partaking a good deal of the angular form. There is, I believe, a strong probability that he will be ultimately raised to the judicial seat.

SIR FREDERICK POLLOCK has long occupied a prominent place at the English bar. His reputation, however, is not the consequence of any of those popular attributes as a speaker,

which have brought the names of so many other barristers into notice ; but is partly the result of the great scholastic fame which preceded his appearance in our courts of law, and partly of his extensive and accurate legal knowledge. Few men have more distinguished themselves at our English universities than did Mr. Pollock. He carried off the first prizes in several of the higher branches of learning, and was altogether regarded as so superior a man, that his *débüt* as a barrister was looked forward to with a more deep and general interest, than ever characterised almost that of any other person. In all the more popular qualities of a barrister, he has disappointed public expectation ; as a mere lawyer, he has in a great measure realized it. He is undoubtedly, as already remarked, an excellent lawyer,—though even in that respect he has not realised all that those who watched his career at the University of Cambridge, expected of him. The fact was, that they expected he would surpass all his contemporaries, and would continue unapproachable by

all who should follow him. The result has shown, that their notions of his talents were much exaggerated. Though a very superior man in so far as mere legal knowledge is concerned, there are at least half a dozen others of his contemporaries who are fully equal to him in this respect; while they exceed him in several others.

The reputation which preceded Mr. Pollock's *débüt* at the bar secured him, in conjunction with private connexions, a good business in the outset. That business, he gradually extended, until it became worth 6,000*l.* or 7,000*l.* a-year; which I suppose is pretty much about the present amount of his professional income. A very considerable portion of his income is derived from the fees he receives for his advice in cases submitted to him in his chambers, and which are never brought into court. There are few men whose opinions thus given are more to be depended on. In the courts at Westminster his business is select rather than extensive.

He is not, as may be inferred from what has

been already stated, an attractive speaker. His language is always correct; but it has nothing in it deserving the name of eloquence. Nor can much be said in favour of his matter. I have never heard him say anything which was calculated to excite the admiration of a popular audience, or to make an impression. He never relieves the dulness of mere professional facts, arguments, and details, by anything of an attractive kind. There are few men at the bar to whom those who casually enter the court would be less disposed to listen; for, in addition to his common-place style, and the heaviness of his matter, he labours under the misfortune of having a very dull, prosy, tiresome sort of manner. His voice wants clearness and variety. It is also disagreeable and monotonous. He drawls it out in slow accents, rendered still more unpleasant by a manifest self-complacency, which would lead one to suppose, that he fancied he was doing the court and his client a favour, by condescending to speak at all. You miss in him that earnestness of manner, and that manifest zeal for his client, which, whatever

may be their other faults, is an attribute in the forensic exhibitions of almost every other man of any note, in our courts of law. The very aspect of the learned gentleman's countenance is sleepy. Anything more calculated to induce what Lord Brougham would call a sound doze, than the speeches of Sir Frederick Pollock, it would be difficult to conceive. I have often, in hearing him speak, pitied the judge and the jury, who are expected not only to keep themselves awake, but to pay a continued attention to what is spoken. The only redeeming quality he has as a speaker, is, that he does not usually extend his speeches to the same length as some others would, were they counsel in the same cases. As a natural consequence of his comparative brevity, in his forensic efforts, he confines himself more strictly to the real question at issue, than do several others I could name, of great distinction at the bar. He is usually sparing of his gesture: he is among the last men in Westminster Hall who are likely, in ordinary circumstances, to be found in a state of bodily fatigue in the service of their clients. During

a considerable part of his speech, he stands stock still, but on occasion, he can wax violent enough. A favourite attitude of his, if attitude it may be called, is that of putting the points of his fingers and thumbs together, as if they were intended to form the joists of some imaginary house. Sometimes he takes out, before he commences his address, all the briefs from his bag, and laying them down on the bench before him, piled up ten or twelve inches high, grasps them in his right hand, while he rests his left on the bench before him. Some people say that Sir Frederick's object in doing this, is to let people see the great extent of his business. Possibly this is an unfounded if not an ill-natured observation.

Sir Frederick received the distinction of a silk gown some years after his professional *début*. He has always been a decided Tory in his politics, and on the formation of the Tory government in 1834, he was made Attorney General, receiving at the same time the honour of knighthood. Great things were expected from him by the Tory party in parliament, when appointed

Attorney General. Never was there a greater disappointment. I know of no more decided parliamentary failure for years past.

Sir Frederick Pollock is apparently much on the wrong side of fifty. I should think he is not far from his sixtieth year. His face, which is of the oval form, is shrivelled, and his complexion is sallow. His eyes have no lustre in them, and he has a sort of under eyebrows which give his face a striking appearance. The expression of his countenance is very demure. To see him laugh would form the subject of conversation among the bar. He is of the middle height, and otherwise proportionably formed. His constitution does not appear strong, and yet he keeps his health as well as most of his long-robed brethren.

SIR WILLIAM FOLLET is already well known to the country as a member of parliament, though he has only been two or three years in the House; but he is still better known as a member of the bar. He is at the very head of his profession. There is not at this moment a

single barrister in Westminster Hall, who stands higher in the estimation either of the bench or the bar. And as he has no superior, it may with equal truth be said, that, as a statute lawyer, he has few, if any, equals. Few men have risen more rapidly to distinction. His superior talents as an advocate, and his still greater abilities as a lawyer, brought him into notice by the time he had been a few years in practice. His business, as a natural consequence, rapidly increased: for some years it has been perhaps as respectable and lucrative as that of any of the other counsel in either of the three courts of common law. The distinction of a silk gown was conferred on him some years after he was called to the bar. On the formation of the Peel Government, in 1834, he was appointed Solicitor General. Contemporaneous with this appointment he received the honour of knighthood. Of Peel's Government, during its short-lived existence, he was a most able supporter. He did not speak often in its defence; but the two or three speeches he did make produced a strong impression on the House: they were masterly in point

of argument, and breathed a spirit of sound eloquence.

Those who knew Sir William Follet when he was preparing for the bar, relate some interesting anecdotes, illustrative of the zeal and assiduity with which he applied himself to his professional studies. It is said, among other things, that for a considerable time, while a student in one of the Inns—which of them, I do not now remember—he and Mr. Kelly lived together in the same chambers; and that Mr. Kelly, being impelled by the same determination to force his way to distinction,—both gentlemen were in the habit of going through a regular course of extemporaneous pleadings between themselves, in precisely the same way as if they had been addressing the judges or juries in Westminster Hall. Mr. Follet placed himself in an arm-chair, on an elevation, and was one night addressed with all possible respect by Mr. Kelly; while Mr. Kelly was raised to the imaginary elevation of the judicial seat, and was duly addressed by Mr. Follett as “my Lord,” on the night following. One of the neighbouring chairs

answered very well as a supposed "learned friend on the opposite side," and arguments were put into the said chair's mouth—if, indeed, a chair can be said to have a mouth—just as if that useful article of household furniture had been a *bona fide* gentleman of the long-robe, and had been gifted with the attribute of legal volubility in the highest perfection. Whether, with the view of making the chair thus temporarily invested with the character of a "learned gentleman," look as like as possible to a legal personage, it was arrayed in the professional gown and the band and wig, I have never heard; nor is the matter of much importance either way. On other occasions, they addressed some imaginary judge, as if they had been counsel opposed to each other in court; and I am seriously assured, that, by these means, both gentlemen very materially improved themselves in professional speaking.

Sir William Follet derives a considerable portion of his income from what is called chamber-practice; that is to say, from opinions given on cases which are submitted to him. In this re-

spect, perhaps, he has no competitor at the bar. His knowledge of law is at once extensive and sound; and the result, when the case submitted to him is brought into court, generally proves that the opinions he gives are to be depended on. He always weighs his opinions well: he never pronounces on a case until he has examined it in all its bearings. He has an excellent memory, which enables him to refer at once to those decisions or precedents of a past period, which bear directly on the points on which his advice is asked.

As an advocate he ranks in the first class, in the estimation of the bench and the bar. An unprofessional person would not observe any marked superiority in his manner. The truth is, that he makes no attempt at display. He rather wishes to avoid than to exhibit anything showy. His manner is quiet and unassuming in the extreme: it is so even to a fault, as it appears to me. I have often thought that, in jury cases especially, it would be for the advantage of his clients if he were more bold and animated in his manner. His unpretending mode

of addressing the bench or jury, sometimes degenerates into coldness, if not into something which those unacquainted with him would interpret into indifference. His action is usually moderate. His head or his body he seldom moves: he fixes his eye on one of the judges, or on one or two of the jury, and in that position remains, as if he dare not alter it under some heavy penalty. His hands are now and then put into requisition, but never to any great extent. A slight movement with his right hand constitutes his favourite, if indeed it be not almost his only gesticulation.

His voice has something of a muffled tone in it. He never raises it to a high pitch, but always sufficiently so as to be perfectly audible to every person in the court. His speeches in the House of Commons, however, show that his voice possesses considerable volume. He can also modulate it with much effect, when he wishes to adapt his intonations to particular portions of his speech. In the courts of law, however, no one could have any idea of the capabilities of his voice. There he usually speaks in

the same key. His utterance is somewhat rapid; but he is always so clear that one is scarcely aware of this rapidity. He speaks with great ease: there is no appearance of effort in his addresses. His style is simple yet correct: he always adopts the first word which presents itself, and that word is generally the best he could employ. His speeches have occasionally something of a colloquial appearance about them. Everything is so natural and easy, that it seems as if it were a pastime, not a task to him, to address the court.

With regard to the matter of his speeches, it is excellent in the highest degree. He displays great tact in disencumbering the case before the court of anything extraneous or irrelevant, and of keeping the attention of the bench or jury fixed on its real merits, or rather on the points which are most favourable to his own client. He is remarkably clear: there is no possibility of mistaking the drift of his argument. He who could misunderstand the tenor of Sir William Follett's observations, ought to be set down as one of the incorrigibles—as a

person on whom the labours of a legion of first-rate school-masters would be utterly lost. It is the singular clearness of his statements and reasonings that always insures the attention of the judge and jury to whatever he says. His manner, as may be inferred from what I have already said respecting it, is not well adapted for getting what Shakspeare would have called, "a loan" of the ears of either bench or jury, especially of the latter.

Sir William Follett is a great favourite with both the bench and the bar. He is deservedly so: no man has better claims on the good opinion of his fellow-men. He is strictly honourable in all the relations of professional life; his manners are modest; and his disposition is always kindly towards every one with whom he comes in contact. I have no idea that he entertains any unfriendly or jealous feeling towards any of his competitors in Westminster Hall. I am sure he is a favourite with everybody in the habit of visiting that locality. He is most exemplary in the relations of private life; though in that capacity it is not so much my business to speak of him.

In person he is tall, and somewhat slender. Some time ago he suffered a good deal from ill health, which has left its traces upon him. He looks paler than he used to do. His eye, however, still retains its lustre, and he seems in pretty good spirits. His face is flat and round. His nose has something of what is called a cock-up conformation. His forehead is well developed, and the expression of his countenance is pleasing and intelligent in no ordinary degree. He is but a young man, having but lately passed his fortieth year.

Mr. ERLE is a gentleman who is steadily rising in professional reputation and in professional practice. He first brought himself into notice when he appeared as counsel for Colonel Brereton, when that officer was tried by a court-martial, on a charge of improper conduct relative to the Bristol riots of 1832. The coolness, the legal research, and the great ability he displayed on that occasion, were the admiration of every person in court. There was a strong impression on the minds of all present, that but for the catastrophe

which put an end to the proceedings, those proceedings would have ended in the acquittal of the gallant colonel. The catastrophe to which I refer, was that of the accused shooting himself before the trial had come to a close. Intelligence of the melancholy event reached the court while the witnesses were undergoing examination. The announcement produced a strong sensation ; and a messenger was dispatched to the house of the accused, to ascertain whether or not the rumour was correct. When he returned and announced its truth, every officer in court was deeply affected. The scene was altogether a most touching one : for few men were more respected than was Colonel Brereton. He fell a victim to an over-sensitive mind. The very circumstance of being tried proved too much for him : he could not live under the bare idea of his conduct giving rise even to a supicion with regard to its propriety. But this is a digression.

Mr. Erle possesses an intimate acquaintance with common law, and regulates his knowledge by a sound judgment. He appears to very considerable advantage as an advocate, but I should

say he is more solid than shining. There are many of our counsel who deserve all praise, for the closeness with which they confine themselves to the merits of the case at issue, when they see that such closeness is likely to conduce to the interests of their client; but there are few who keep the court more closely to the real point in dispute, when it appears, from questions put, or remarks made by the bench in the course of the proceedings, that a misconception rests on the subject. I have seen many instances in which Mr. Erle has not only shown that he himself was applying his mind to the real points at issue, but that the court itself was actually misconceiving or wandering from those points; and in every such instance the learned gentleman has taken care to chain down the attention of the bench to the proper topics. He is a man of much self-possession; but he has nothing of that assurance which, in the case of so many of the long-robed gentlemen in Westminster Hall, is but another name for a well-known quality. Nothing disconcerts him; an interruption either from the bench or from the opposite counsel,

never takes him by surprise. He has always his answer, whether it be a right or a wrong one, ready to any observation which may be made on what he is saying, or to any objection which may be taken to his positions; and you would fancy, from the ease and promptitude with which the answer is made, that he must have anticipated the observation or objection, and prepared himself accordingly.

Among many striking instances which have come under my own observation, of Mr. Erle's perfect self-possession, blended with an ingenious readiness of retort, I will just allude to one which occurred in November last, and of which I took a note at the time. The learned gentleman was, on the occasion to which I refer, employed as counsel for several tradesmen who had furnished the Westminster Reform Club (since extinct) with various articles of furniture; but for which, after the breaking up of the club, the committee, Mr. Hector, M.P., Mr. O'Brien, M.P., Mr. Rippon, M.P., and several other members of the House of Commons, refused to pay. One of the plaintiffs, an ironmonger, pro-

ceeded specially in one instance against Mr. Hector, for the price of a number of knives and forks, and other articles, which he had furnished the club on Mr. Hector's order. Mr. Erle contended that in this case, the defendant, Mr. Hector, was liable, according to his own actual admission; for when the plaintiff applied to him for the payment of the knives and forks, &c. he said that he knew he was liable for the amount, but that having already paid a certain sum of money under similar circumstances, he would not pay any more, but would allow an action to be brought in a court of law, in order that the club might be exposed. The present action was accordingly brought before the Barons of the Court of Exchequer. The learned gentleman proceeded to maintain that the committee having been appointed by the members, the members were responsible, in a pecuniary point of view, for the acts of their committee and of the servants of the club. By the time Mr. Erle had proceeded thus far, it must have been visible to all, from the occasional smile which played on the countenances of several of the

judges, that they were privately enjoying this exposure of the disputes among the liberal M.P.'s—no doubt fancying that before all was over they would see a rich illustration of the well known adage—"When rogues fall out, honest people get their own." Mr. Erle proceeded:—"The club, my Lords, was formed for the spread of liberal principles, and ——"

"It surely was not necessary," observed Mr. Baron Bolland, interrupting the learned gentleman; "it surely was not necessary for the spread of liberal principles to get into debt."

Lord Abinger and several Tory counsel laughed heartily at the remark.

"It would have been *more liberal* on the part of the club," added the worthy Baron, "if it had paid ready money for its articles of furniture." Another twitter from the same parties followed the observation.

"It was necessary, my Lord," observed Mr. Erle, "that the club should have a house; and if a house, that they should have a dining-room in it; and if a dining-room, that they should

have a dinner; and if a dinner, that they should have knives and forks wherewith to eat it."

"O! I don't see that at all, Mr. Erle," said Lord Abinger, rubbing his hands and smiling with manifest glee at the circumstance of the liberal M.P.'s being placed in so unenviable a predicament—"O! I don't see that at all: I can't see the necessity of Reformers having knives and forks wherewith to eat their dinners."

A hearty laugh was general throughout the court.

"Why, my Lord, surely knives and forks are indispensable to any persons eating their dinner, no matter what may be their politics."

"Really, Mr. Erle," said Lord Abinger, again smiling most "liberally" as he spoke; "really, Mr. Erle, I don't at all see that. The Romans, you know, used to eat their dinners without knives and forks."

Mr. Erle himself smiled at the observation. "But, my Lord," he continued, "the members of the club also refuse to pay for articles they

have eaten. Now, my Lord, you are aware, that if men will have a dinner it must be ordered, and if ordered, it must be paid for." A general laugh, in which several of the judges joined, followed the remark.

"Allow me, Mr. Erle," said Mr. Baron Parke, "to put a case which would be analogous to the present. Supposing ten gentlemen were to dine together, and nine of the number were to give a guinea each to the tenth, to pay the landlord; and if instead of paying for the dinner he kept the money, would the others be liable?"

"I will, my Lord," replied Mr. Erle, "take the case which you have just put. It would be a *prima facie* case for the tavern-keeper to proceed against the nine gentlemen, until it had been proved that the one individual had ordered the dinner for all, in his own name. I submit, my Lord, that it would be a case which ought to go to a jury."

"In that I differ from you, Mr. Erle," observed Mr. Baron Parke. "A man might order a dinner, and tell the others that he meant to treat them."

“ That would be a matter for proof, my Lord ; and if it were proved, then the others would be exempted from payment.”

“ Ah,” said Mr. Baron Bolland, “ I see there are numerous snares around social life.” The other judges and the counsel joined in a laugh at the observation.

“ In this case, my Lord,” remarked Mr. Erle, “ the articles were ordered for the general benefit of the club.”

Mr. Baron Bolland—The members had subscribed a certain sum of money for the purpose of procuring what was necessary for the club, and the committee had no right to incur debt : if the members had subscribed no money, the case would have been different.

Mr. Erle proceeded to contend that there must of necessity have been an implied authority conferred on the committee to lay in furniture, wine, &c., which was, in such cases, generally done. Besides, they had incurred a debt of £1,000, before half that sum was subscribed.

Mr. Baron Bolland — Then the commit-

tee must have incurred debt without authority.

Mr. Erle—But, my Lord, the members knew this, and therefore became liable.

Lord Abinger—The real state of the case is this. A certain number of gentlemen subscribe a certain sum of money for a given purpose; but have nothing to do with the debts which any other parties may contract for dinners or for any other objects.

Mr. Erle—If the members of the club had distinctly stated this, the case which your Lordship has put would be one in point. But the fact of the members joining, without having made any such statement, implies a concurrence on their part, in the propriety of taking and fitting up the house in a manner suited to receive them, and consequently involves their liability.

The case was eventually decided in favour of the non-liability of the members, and the consequent individual responsibility of the committee. I have referred thus particularly to the case, as being not only one of great interest itself, but as illustrative of Mr. Erle's self-possession and

readiness of reply, when having to contend with no fewer than three judges at once.

Mr. Erle is a man of superior general talents. Judging from some of his speeches, where the question before the court involved literary matters, I should take him to be a man of extensive reading, and of good literary taste. His style is usually close: it is not ornate or laboured; and his matter is always good. There are few counsel the matter of whose speeches is better sustained. He displays judgment in knowing when to stop. I know many barristers whose professional reputation suffers much, as do also in some cases the interests of their clients, from their not knowing when they ought to conclude. They wiredraw their arguments to such a length, that they absolutely weaken the very impression which a previous part of their speech may have produced. Mr. Erle very rarely, if ever, falls into this mistake; he resumes his seat at the proper time.

Mr. Erle is not a noisy or showy speaker. There is, perhaps, in most cases, too much quietness in his manner. I have often thought,

especially in *Nisi Prius* cases, that a little more animation, and a little more action, would have been advisable. He is not, however, a heavy or uninteresting speaker. His fine clear voice, distinct articulation, and intelligent countenance, always keep up the attention. His utterance is well-timed, and he can modulate his voice with considerable effect when the subject requires it.

Mr. Erle is exceedingly happy in his cross-examinations of adverse witnesses. If anything which could damage the cause of the opposite party, or subserve that of his client, is to be elicited from a witness, Mr. Erle is sure to bring it out. And yet all his cross-examinations are conducted with the greatest mildness, and the most gentlemanly feeling.

Mr. Erle was called to the bar in 1819. I should take him to have passed his fortieth year within the last two or three years. He has enjoyed the distinction of a silk gown for some time. In politics he is decidedly liberal, and while writing this brief sketch of the learned gentleman, I observe that he has been returned to parliament by the reformers of Oxford.

In his personal appearance there is nothing worthy of special observation. He is about the middle size, and firmly made. His face is short and round. His nose has an inclination to what is called the cock-up form. His complexion is clear, and the expression of his countenance is pleasant as well as intelligent.

Mr. CRESSWELL is looked on in Westminster Hall as one of the rising men. He has risen to his present standing with considerable rapidity. Though only called to the bar in 1819, he already rejoices in the distinction of being a king's counsel, and has a large and profitable business. He is an excellent lawyer. With the contents of the statute-book he possesses an intimate acquaintance; and he has precedents innumerable always at his fingers' ends, when he has occasion for them. His judgment is usually sound; he takes great pains to make himself master of the entire details of any case in regard to which he is consulted, and never gives a final opinion until he has viewed it in all its phases. In pleading before the bench, or addressing a

jury, he always confines himself with much closeness to the point. He never evades the leading arguments of the opposite counsel, but boldly grapples with them. If law or precedent be on his side, he is sure to vanquish his opponent: if they be against him, then he deals in specious sophisms, generally appearing more confident, if not dogmatic, in proportion to the known unsoundness of his positions. I question if there be an advocate in Westminster Hall who gives an equal quantity of argument, or if not always argument, something so very like it that it requires a mind of no ordinary penetration to discriminate between it and sophistry;—I doubt, I say, if there be an advocate in Westminster Hall, who gives a greater quantity of matter in an equally limited time. He never seeks to amuse the court by any attempt at saying fine things: he never deviates from the merits of the case for the sake of displaying his general reading. He makes the matter altogether one of business. His object is to omit nothing that really bears on the merits of the case, and to introduce nothing into his speeches that has no

close connexion with it. His speeches are consequently comparatively short: he will do more justice to his client in a speech of half an hour, than some other counsel I could name—and these of considerable reputation too—would do in a speech of two hours' duration. He takes no pleasure in speaking for the sake of speaking. He has no ambition to be considered an orator; nor has he, as will be afterwards seen, any claims to the character. He speaks with much seeming reluctance. His sentences cannot be said to drop from his lips; they rather appear as if extorted from him by some indescribable process. If I cannot exactly say that his words stick in his throat, like Macbeth's "Amen," I am sure I shall be borne out by all who have heard him addressing the bench or jury, when I state that he often speaks as if it were painful for him to exercise his lungs. Some people think that this peculiarity in his mode of speaking is the result of a notion entertained by himself, that it is a sort of favour conferred by him on the court, to address it at all. I think nothing of the kind. My impres-

sion is, that it is one of those singular habits which are unconsciously contracted by different persons.

Mr. Cresswell commenced his professional career as a law reporter, in which capacity, in conjunction with Mr. Barnwell, he acquired great reputation. "Barnwell's and Cresswell's Reports" are still considered among the best of the kind which have ever appeared.

Mr. Cresswell is one of the most inanimate speakers I ever heard in a court of law. He has no action, nor energy of manner whatever. He sometimes stands as motionless as if he were transfixed; not moving any part of his body, even in the slightest manner. Were it not that there is a little motion in his tongue, you would on such occasions fancy that he was sleeping in a perpendicular position, with his eyes open. At other times he does impart a gentle motion to his right arm; but so very gentle as to be all but imperceptible. One of his attitudes, which seems of late to have grown in favour with him, is that of leaning both hands on the bench before him. He has an unconquerable horror of

anything approaching to gesticulation : he avoids it as he would the commission of a serious crime. It is the same with his voice. He is not the man to injure his lungs by undue exercise. His voice is either naturally feeble, or he purposely makes it appear so, by refusing to give anything like fair play to his lungs. His speaking cannot be said to be much better, if there be not a contradiction in the terms, than a series of loud whispers. His utterance is slow ; and he occasionally pauses as long between the conclusion of one sentence and the beginning of another, as an ordinary speaker would take to deliver one of those brief sentences which were such favourites with Tacitus. In all respects, indeed, he is a cold and languid speaker. It is his matter that forms the redeeming feature in his character as an advocate ; that is, indeed, as before-mentioned, so good, as to cover, in the eyes of the bench, and also in those of any intelligent jury, a multitude of mere adventitious imperfections as a speaker. One would infer, from the lifelessness of his manner, that he is not sufficiently zealous for his clients ; but this would

be a great mistake. He is always most zealous for their interests; and no one, who has ever observed the pertinacity with which, both against the bench and the opposite counsel, he adheres to any position he thinks in their favour, can fail to have been struck with this.

Mr. Cresswell was returned as representative for Liverpool at the last election. He is a strenuous Conservative, and his friends have great hopes that he will make some impression in the House.

In personal appearance Mr. Cresswell is tall and slender. He is exceedingly pale: there is not a particle of colour in his complexion. His face is small, and inclines to the oval form: there is a want of fire in his eye, and of expression in his countenance. He looks as if he were depressed in spirits; which, however, is not, I believe, the case. His features are small and regular. He is above forty years of age.

Mr. ALEXANDER is another of the rising members of the bar. Within the last few years he has increased both his professional reputation

and business to a very considerable extent. He and Mr. Cresswell have taken the lead in the northern circuit, since Brougham and some others of the late more distinguished counsel, were elevated to the bench. Mr. Alexander is related to the late Chief Baron Alexander and, through means of his connexions, in conjunction with his own legal attainments, soon acquired a very respectable business. That business steadily increased until a few years ago, when he was honoured with a seat within the bar,—which is another expression for being made king's counsel. Since then, the number of cases in which he has been retained may have somewhat diminished; but as his briefs have been, technically speaking, more highly marked than before that distinction was conferred on him, I doubt not that, with much less labour, he is in the receipt of a larger annual income than he was while a back-bench man. He ranks high as a lawyer. He is cautious in making up his mind: few men examine a case more carefully in all its bearings before expressing an opinion. To his habits of cautiousness he unites

extensive legal information and a sound judgment; and therefore much confidence is reposed in his opinions. As a speaker, he is rather quiet in his manner. He does not aim at oratorical effect. He has much more dependence on his matter than his manner, though the latter is by no means bad. His voice is clear, and possesses considerable power. He speaks with much apparent ease, and with some rapidity. His language is correct, without any appearance of labour. He is always clear in his statements, and is intelligible even when arguing intricate points of law. He has a very pleasant countenance—a rather rare commodity in Westminster Hall. The expression of his face has something effeminate in it; but he is by no means deficient in energy of mind. His features are small and regular. There is a tendency to sharpness in his face. His complexion is remarkably clear; one who did not know him might sometimes fancy that he resorted to some of the expedients for giving a delicate hue to his complexion, which are said to be in use among many of the fair sex. Mr.

Alexander is rather under the middle size, and slenderly made. He has the appearance of a man who is about his forty-fifth year.

Mr. PLATT has long had a very extensive business. Even when junior counsel, he held more briefs than Sir James Scarlett. Now he is understood to hold a greater number than any other man in Westminster Hall. His business, however, is not so lucrative as that of many of his brethren at the bar whose professional labours are far less arduous; because his clients are not, for the most part, so opulent as theirs, nor the cases in which he is engaged so important. But in this respect there is now a great difference in the business of Mr. Platt, compared with what it was in the earlier part of his professional career. For some years after he first appeared at Westminster Hall, his business was in a great measure confined to clients in a humble sphere of life: consequently, he afforded an illustration in his own person of the well-known adage—"Hard work and little for it." Of late, however, he has been a good deal em-

ployed, and is now increasingly so, in cases where the parties are affluent and influential, and where, as a matter of course, the same amount of labour is three or four times as well paid as before. I have just said that there is no counsel in the law courts who is retained in a greater number of cases than Mr. Platt. Go to Westminster Hall when you will—I mean, of course, when the courts are open—and there you will see Mr. Platt, either engaged in the case then pending, or waiting until it is finished; as it is to be succeeded by a case in which he is to play a prominent part. Mr. Platt is so accustomed to have a hand in most cases, or as the old proverb has it, “a finger in every pie,” that he looks quite uncomfortable, and exhibits a very fidgetty demeanour, when a case in which he is not retained occupies the court for any length of time. It is edifying to see how patiently and philosophically he sits while the counsel for the opposite side of an action in which he is retained, is inflicting a long and dull speech on the court, and to contrast this with the impatient and unphilosophical demeanour he displays even

under the most brilliant and happy forensic efforts, when he himself has no other interest in the case beyond that of wishing it were disposed of one way or the other. In the latter case, you not only see him fidgetting about in his seat, as if he were suffering a species of martyrdom, but you see clearly that the languor and tedium with which he has to contend are, with great difficulty, prevented from assuming the tangible form of a regular yawn.

Mr. Platt is one who always seems to be thinking more of his client than himself. What I mean is, that he would much rather say something that would conduce to the success of his client's case, than anything that would add to his own reputation as a clever man. He does not aspire at oratorical distinction: he never seeks to make any parade of his general learning: he never aims at saying a fine thing. Hence his speeches are characterized by the absence of anything flashy or irrelevant to the case under the consideration of the court. Whether or not Mr. Platt could play the clap-trap orator, is a point which it is not in my power to determine. It is diffi-

cult to say what a man could or could not do when he never tries it. The Irishman did not know whether or not he could play on the fiddle, never having made the attempt.

There are few men who can more closely confine themselves to the merits of the case, provided they see it their interest to do so, than Mr. Platt. I have known him speak for some length of time, as strictly to the merits of the case, as if it had been impossible to touch on irrelevant matter. If, however, he thinks the less that is said touching the real bearings of the case, the better for his client, he will keep at a respectful distance from the actual question at issue, from the moment he rises till he sits down; and with the gravest possible countenance tell you, that he has not uttered an irrelevant word all the while, but that the opposite counsel, who may have been a pattern of "keeping to the point," has been, all the time he was on his legs, occupying the time of the court with nothing but extraneous matter. In this respect Mr. Platt displays considerable

professional dexterity, and, in jury cases, he often does it with advantage to his client.

In Mr. Platt, otherwise, there is nothing deserving of special mention. His legal knowledge is more than respectable ; but it is neither so sound nor so extensive as that of many of his brethren at the bar. When to take a common sense view of a case serves his purpose, few men can do it better ; and I have often thought it is in such cases he appears to the greatest advantage. He is deficient in the power possessed by several of his fellow-counsel, of manufacturing one specious sophism after another, when hard-pressed for precedents or arguments. If he uses a sophism—which as a matter of course all lawyers often do—you can usually see that it is one : the opposite counsel is sure to detect it, unless, indeed, he be a personage of very blunt mental perception ; and, in that case, the thing is certain to be detected by the judge.

Mr. Platt appears to greater advantage when counsel for the plaintiff, than when he is

retained for the defendant : in other words, he is happier in making out a case for himself than in destroying that made out by another. When he appears for the plaintiff he displays considerable tact in anticipating points in the speech of the counsel for the defendant, and by that means impairs, to some extent, the effect which that counsel's speech would otherwise produce. When employed for the defendant, and having, as a matter of course, to reply to the speech of the counsel for the plaintiff, I have sometimes thought I observed a want of that acuteness which might be expected of one of his standing and practice at the bar.

Mr. Platt occasionally hits on a humorous remark. Humour, however, is not his forte. He appears to much greater advantage when in his pathetic moods. It is hinted that he is himself well aware of this. Hence, I suppose it is, that some of his brethren often tease him by representing him as being particularly in his element when he has got a case in which he has for his client a widow with a large family of young children. "Many a true thing," says

the proverb, "is said in joke." This is one of them. I have seen Mr. Platt make, in such cases as those referred to, a very touching speech; so much so that it could not fail to make a deep impression on the minds of any jury.

Mr. Platt is not a fine speaker in manner any more than in matter. He is, however, a pleasant speaker. His manner is well calculated to arrest the attention. He has a clear distinct voice; his enunciation is neither too rapid nor too slow; and he speaks with ease. His forensic efforts seem to partake more of the character of an amusement in his estimation, than of that of a task. His style is plain but perspicuous; sometimes it evinces considerable vigour. His action is moderate; but there is something in his strong clear voice, coupled with his ever open countenance, which could not fail to secure the attention of the judge or jury, though his hand were tied to his back. His face is of great use to him as a barrister: and no one knows better than himself that it is so. I am somewhat inclined to think, strange as the hypothesis may appear to those who have not been much in

courts of law,—that he occasionally gains a cause by the use he makes of his face, when his speech would have failed to insure success. In all *Nisi Prius* cases, which, as before stated, means those cases tried before a jury, he most sedulously watches the arguments of counsel, or the questions put by them to witnesses; and then, if he sees anything coming out, either in argument or evidence, which is likely to prejudice his client's case, he first looks at the counsel, with a sort of sneer, and then at the jury,—as much as if he meant to say, as the countryman did when he saw the Learned Pig point out the hour of the day on the dial of the watch,—“Well, I'm bless'd if that don't beat everything.” Mr. Platt wishes to make the jury believe, that great as the assurance of lawyers proverbially is, that of the counsel, in the present case, fairly exceeds or beats it. By these facial manœuvres, Mr. Platt often does wonders for his client. His countenance usually wears a smile upon it. It is full and round. His complexion is good: it has more freshness than the countenances of most lawyers. He is about the middle size, in regard

to his height, and rather stoutly made. He has been king's counsel for some years, and is seemingly between forty-five and fifty years of age.

Mr. SYDNEY TAYLOR is a gentleman with whose name every one is acquainted, not merely in its connexion with the legal profession, but in its far higher and holier association with the great cause of humanity. For many years he has distinguished himself as the able and unceasing advocate of an amelioration of our criminal code ; and perhaps to him more than to any other individual that could be named, is the amelioration which has recently taken place in that code, to be ascribed. The articles which have appeared in the "Morning Herald" for several years past on that subject, and which have lately been collected into two volumes,* were

* What follows will explain the reasons for publishing these volumes.

At a Committee of the Society for the Diffusion of Information on the subject of Capital Punishments, held on Monday, November 30, 1835, the following Resolution was unanimously adopted:—RESOLVED—
"That the Articles upon the Criminal Law which

written by him. As, however, I have spoken at some length, in the first series of "The Great Metropolis," of Mr. Taylor's exertions to soften the rigour of the criminal code, it is not necessary I should again particularly advert to the subject.

Mr. Taylor was called to the bar in 1824. He soon afterwards brought himself into notice by his professional talents and the extent of his general acquirements. The Norfolk Circuit was that which he originally selected, and of which he is now one of the senior counsel. On many occasions he has, from motives of pure humanity, gratuitously taken up the cases of have appeared from time to time for several years past, in the columns of the *Morning Herald*, are of a character to especially call for the grateful acknowledgment of this Committee, as having materially contributed to promote the recent Amelioration of the Penal Code ;—and, that this Committee do forthwith cause a Selection of those Articles to be published in a permanent form, in testimony of their value, and in furtherance of the great object of rendering the Criminal Law *more efficient*, by obtaining for it the support of reason, and of enlightened PUBLIC OPINION."

prisoners who were too poor to employ counsel; and I believe there are instances on record in which, through his intervention, innocent men have escaped, who would otherwise have fallen victims to the Draconian system of criminal jurisprudence which, until within the last few years, disgraced this enlightened and christian country.

Mr. Sydney Taylor, some years ago, greatly distinguished himself by a speech delivered before the House of Lords, on the claims made by Mr. Michael James Robert Dillon, to the title and rank of Earl of Roscommon. The speech, which occupied two hours in the delivery, was listened to with the greatest attention by the noble lords who were present; and after its conclusion, Lord Lyndhurst, then the Lord Chancellor, remarked that it was "one of the best speeches to evidence which he had ever heard at the bar of that house." Mr. Taylor's efforts were successful in obtaining for his client the Roscommon peerage.

Mr. Taylor's style is at once elegant and forcible. His published speeches show how fas-

tidious he is in his choice of words, and the taste with which he constructs his sentences. He is happy in seizing on any circumstance that may incidentally arise, and converting it to his immediate purpose. I may give one illustration of this. When it was proposed, some years ago, to pull down certain churches in the city, in order to enable the authorities to make alleged improvements which were then in contemplation, Mr. Taylor, as Counsel for the parish of All Hallows the Great, had on one occasion to speak at the bar of the Common Council against the bad taste which would destroy so many ancient and venerable temples of religion, when, as he contended, the improvements could be accomplished without their destruction. In the midst of his speech he happened to cast his eye on the well-known historical picture by Opie, where Sir William Walworth is represented as striking to the ground Wat Tyler, at the head of the mob in Smithfield; and instantly starting off from the course of close and continued argument he was pursuing, he appealed to the prejudices of his audience, in the following

terms:—"Among other acts of profanation of the tomb, was the disinterment of the remains of the celebrated Sir William Walworth, that great Lord Mayor of London whose memory (pointing to the picture) you have there illustrated, when, at a moment of great peril to the monarchy, he smote rebellion in its pride, and rescued from the rage of rabble violence, the insulted majesty of England."

Mr. Taylor is a close and logical reasoner. He seldom wanders into irrelevant matter. He confines himself strictly to the merits of the case before the court; unless, indeed, he sees that the law of the case is against his client, and that consequently a different course would be advantageous to him. Some men wander from the real merits of the case, because their minds are incapable of a close and logical application to it: with Mr. Taylor a digression is the result of a conviction that his client would be sure to suffer from a contrary course. He is always clear as well as logical. Some men are strict reasoners; but it requires an effort to follow them: with Mr. Taylor it is otherwise. He is so clear that any

person of ordinary capacity may follow him with ease. He is happy also in making, by the felicity of his classical allusions, a subject which is naturally dry, interesting to the general hearer. Nor ought I to omit to mention that he is exceedingly happy in his examinations. He is quick in discovering any peculiarity in the constitution of the witness's mind, and is no less dexterous in so adapting his questions to that peculiarity as to elicit the desired facts.

As a speaker, Mr. Taylor's manner is natural and easy. He is usually cool, though never heavy; but when he comes to parts of his speech which require more action, he becomes animated in no ordinary degree. His voice is pleasant and varied in its intonations. His utterance is generally slow; but when he warms with his subject it becomes more rapid. In his pronunciation there is much less of the Irish accent, than there is in that of most persons who have come from the sister island. Mr. Taylor, however, it may be right to mention, has been twenty-two years in this country; and must necessarily have lost, in the course of that long

period, much of the Irish accent, which he brought over with him.

Mr. Taylor is distinguished for his taste in architecture, and the other branches of the fine arts. To this circumstance we are to ascribe his successful exertions before a committee of parliament, for the preservation, and finally the restoration, of the Ladye Chapel, Southwark, which is a unique specimen of the architecture of a past period; the Abbey Church of St. Alban's; Cross-by-Hall; the matchless screen of York Minster, &c. &c.

Mr. Taylor is also imbued with the poetic spirit; though I am not aware that he has affixed his name to any of his poetical effusions. In connexion with this point, I may mention that, in Trinity College, Dublin, he was the early and bosom friend of the Rev. Mr. Wolfe, the author of the celebrated "Monody on the Death of Sir John Moore." He was likewise the first to set at rest the question of the authorship of that beautiful production. This was in 1824, after Mr. Wolfe's decease. Before that time it was ascribed, by different persons, to at least a dozen

of the most popular poets of the day, without the name of the real author being mentioned. Captain Medwin attributed the effusion to the pen of his friend Byron, because he had heard his lordship warmly praise it, while maintaining that it was not the production of any of the poets to whom others ascribed it. Shelley, again, was dogmatically positive in the assertion, that it was an emanation from the pen of Campbell. The testimony of Mr. Sydney Taylor on the subject was of the most conclusive kind that could be given ; for the author had submitted the Monody to him in manuscript immediately on writing it, some years before it had appeared in print. I may here mention, as a proof of the remarkable retentiveness of Mr. Taylor's memory, that though he only heard this touching production read over once, he recollected every word of it for years afterwards.

Mr. Taylor was candidate, some four or five years ago, for the office of city pleader, then vacant ; on which occasion he was powerfully supported ; but there being two other candidates for the situation, one of whom was the son

of a well-known member of the Common Council, it so happened, from some cause which the leading members of that assembly can best explain, that the office was put in abeyance, if it be not abolished.

Mr. Taylor is about the middle size, with a slight stoop in his gait. His complexion is dark, and his features have something of the Roman cast. He appears to be about forty years of age.

Mr. RICHARDS, son of the late Baron Richards, has enjoyed the reputation of being a good lawyer for a number of years, and has, what is still better, a very respectable practice. He was called to the bar in 1819, and practised some time while his father sat on the bench. I should take him to be one of those who are slow but sure in forming their judgments. His opinions may, in most cases, be depended on: at all events he never spares any pains in endeavouring so thoroughly to master any case submitted to him, as will enable him to arrive at a sound conclusion. He is one of the most imperturbable men, in his professional capacity, to be

met with in Westminster Hall. I do not know what others may have witnessed, but it has never fallen to my lot to see anything like excitement in any of the learned gentleman's forensic exhibitions. He is always staid in appearance; and yet he is not a heavy or uninteresting speaker. He is one of the few barristers one meets with, who, with little vehemence or animation of manner, keep up the attention, to the last, of the unprofessional auditor. He excels in anticipating and then demolishing, the principal positions of the adverse counsel. I have repeatedly admired his tact in this way. I do not think him so happy in making out a case of his own, as he is in damaging that of his "learned friend" on the opposite side. He has the merit of being generally clear: he seldom attempts to mystify the case of his client, even when he is conscious that the case is a bad one. He appears to put his greatest faith in a clear statement of whatever is in favour of his client, overlooking the adverse features in it; and bringing all his powers of attack to bear on the most vulnerable parts of his opponent's case. He deals but little in legal

subtleties or nice distinctions. Few men cite unfamiliar authorities less frequently. He seldom stumbles on anything original or profound; but he frequently says a smart thing without being aware of it. I have sometimes contrasted in my own mind one of his happy sallies of this kind, with the undisturbed gravity of his countenance while giving expression to it. His speeches never approach the higher order of eloquence; but they are usually forcible and correct in style. I have no idea that he possesses the faculty of imagination in any great degree: he is a "matter of plain prose man." There is no affectation in his forensic efforts: he seems to be much more mindful of his client's interests than of his own reputation, in a literary sense, in all his addresses to the bench. In this respect he favourably contrasts with several of his professional brethren. They are more concerned about rounding a period, or saying something fine, than about the issue of the trial. Mr. Richards is always zealous for his client; and you see that zeal strikingly displayed in the tenacity with which he clings,

whether against the bench or the opposing counsel, to any point which he conceives to be of importance to that client's cause. He has great self-possession : you never take him by surprise. Talleyrand is said to possess this quality of self-possession in so great a degree, that even though a person were to approach him unconsciously from behind, and whisper into his ear, while pulling him by the tail of his coat, any charge against his character, however atrocious that charge might be,—he would not betray the least embarrassment; nor even change his colour. Of course Mr. Richards would not evince indifference in such a case,—though I need hardly say that no man would venture to try such an experiment with him; but his self-possession is so great, that I cannot conceive of anything occurring, however unexpectedly, in a court of law, which would sensibly disconcert him.

The learned gentleman does not rank high as a mere speaker. His voice is powerful, but wants that sonorous quality which is necessary to its being pleasant. He speaks without any seeming effort; but there is nothing graceful

either in his elocution or his gesture. His speeches are generally short; and sometimes he concludes them very abruptly. I have seen him sit down just when I fancied he was only getting fairly into the subject.

Mr. Richards had the offer of a silk gown some years since; but he declined the honour, because, had he accepted it, he must have lost a large portion of his business; a sort of professional etiquette requiring that the wearer of a silk gown must refuse a certain class of causes. Mr. Richards, like a sensible man of the world, preferred the solid advantages of numerous fees, to the empty distinction of figuring in the first row of benches.

In person, he is about the usual height, and rather thick set. He has a round flat face, with large eyes, and a mouth of more than the average dimensions. From what I have before said it will be inferred that the expression of his countenance is heavy. His complexion may be best described by saying it is something between pale and dark. He is on the shady side of forty.

Mr. WIGHTMAN has one feature in his professional character to which but few of his brethren at the bar can lay claim: he takes a special delight in his business for its own sake. Others take pleasure in it because of the "fees," "retainers," "refreshers," and so forth; but he is the only man in Westminster Hall whom I know at present, as luxuriating in briefs, apart from their golden accompaniments. But let me not be misunderstood. Far be it from me to insinuate that the learned gentleman is indifferent to the "guinea" part of his business. To say that any lawyer is so, were to do the bar an injustice, of which, if I know myself, I will never be guilty. Mr. Wightman, as may be expected from what I have stated, applies himself with great assiduity to his business. He is just as liable to errors of judgment as other men, and has committed a fair number of such errors in his day; but no client ever suffered in his hands through neglect. He has a good business. He is a man of superior natural talents, which have been cultivated to a very fair extent. He is

happy in reasoning and enforcing any particular point to which he attaches more than ordinary importance. As a lawyer, he can hardly have a place assigned him in the first class ; but he is much above mediocrity. When he sees his way clearly on a point of law, there are few of his contemporaries who can argue it better. He is not an attractive speaker. There is something heavy about his manner, which is not redeemed by anything like brilliancy or eloquence in his matter. This dulness in his manner of speaking, does not arise from any difficulty as to the choice of words, nor from any want of ideas ; it is rather the effect of a habit contracted in early life, and never since got rid of. Very possibly Mr. Wightman does not himself see it to be a bad habit, and therefore has never made any effort to correct it. He speaks slightly through his nose. He is of middle age and of middle stature. His eye-brow has a heavy appearance. His nose is rather long, and his complexion is sallow. There is a universal impression in Westminster Hall—on what par-

ticular ground it rests I have not heard—that he is most certainly destined for the bench at no distant day. I may add that the appointment will give much satisfaction; for he is greatly respected.

CHAPTER X.

COUNSEL IN THE COURT OF EXCHEQUER.

MR. THESSIGER—MR. KELLY—MR. JERVIS—MR.
MATTHEW HILL—MR. CURWOOD.

MR. THESSIGER is a remarkably fortunate man for his age. I should not take him to be above forty, and yet he has not only for several years possessed a very excellent practice at Westminster Hall, but he has now been some years king's counsel. Until lately Mr. Thessiger's principal practice was at the Surrey sessions, where he was regularly retained for the parish of Christ Church, to appear in all cases in which the inhabitants were interested; but on receiving a silk gown he relinquished the office. I cannot undertake to speak with confidence as to the yearly

proceeds of his business ; but should suppose they are not under £5,000. His success at the bar is not so much to be ascribed to any superior knowledge of the law, as to a certain popularity of manner, in the absence of which mere legal acquirements seldom insure success to their possessor ; while an attractive manner will often, without such acquirements, command a most lucrative business. Mr. Thessiger, viewed simply as a lawyer, is rather superficial. He cannot boast either of an extensive or an accurate knowledge of the contents of the statute book. His manner, however, is remarkably showy ; and he has the tact to conceal his legal deficiencies by the attractive character of his forensic exhibitions. One does not often hear of his opinion being taken on a very important doubtful case ; but those who would have hesitated to be regulated by his decision, as to whether or not they ought to go to law in particular circumstances, are fain to retain him as their counsel, when once they have determined on bringing their case under the consideration of a judicial tribunal. They know full well that, though not celebrated

for the soundness of his judgment, or distinguished for the extent or accuracy of his legal knowledge, he possesses those properties as an advocate, which are most likely to influence the minds of either judge or jury. Mr. Thessiger is an agreeable speaker. His style is somewhat wordy, but his delivery is so animated and popular, that any deficiency or other defect of style, is either not perceived or overlooked. His enunciation is clear and distinct. He speaks with much ease; his speeches do not seem to cost him an effort. You would sometimes fancy that he was speaking, not because he was paid to pour out a torrent of words, but because he took some special pleasure in hearing himself play the orator, and in affording the same gratification to others. He seldom hesitates; now and then he does so slightly, owing, I have always thought, not to any paucity of terms wherewith to express his ideas, but rather because he is over affluent in them. This may appear rather paradoxical; but it is a fact, and accords with sound philosophy—though I will not enter into the question philosophically at present—that some

of our most distinguished men, both at the bar and in the senate, sometimes stutter and hesitate, because of the abundance of terms which present themselves to their minds as fitted to express the particular sentiments they wish to convey to their hearers. Mr. Thessiger speaks with considerable rapidity. He seems to be hurried on partly by his zeal for his client, and partly by a constitutionally ardent temperament. He is always full of his subject, and always full of anxiety for the interests of his client. His voice is capable of great things; but he seldom turns it to proper account. It cannot with propriety be said to be monotonous; for he sometimes does practically show that it possesses the quality of flexibility; but I am convinced that he not only has never yet shown what its powers are, but that he is not himself even aware of them.

Mr. Thessiger's gesticulation, as may be inferred from what I have said of his constitutional temperament, is sufficiently abundant. Not content with moving his hands and arms in the most liberal manner, he moves, in his more

animated and energetic moods, his whole body. He rejoices in a fine tall person at all times ; but I am confident he occasionally stretches himself at least three or four inches beyond his usual altitude, by way of giving greater effect to particular parts of his speeches. You are struck on such occasions with the superior elasticity of his neck and shoulders,—the parts of his person which chiefly undergo the stretching process. On such occasions, too, he often stands for a few seconds on tip-toe. Altogether he has the appearance of a person of great physical agility. He is, I take it, just the man to leap over any four or five feet hedge, or anything else that might obstruct his path ; and, at the same time, to do it with ease and comfort to himself. If it were customary for barristers to indulge in the pastime of racing with one another, I would bet on Mr. Thessiger against any other man in Westminster Hall. He is a decidedly handsome man. He has a fine open generous expression of face. In fact, he has the most unlawyer-like countenance I have ever seen. He is always smiling, or in that happy state of mind which is the nearest approach to

a perpetual smile. His features are regular and pleasing: the ladies, who are confessedly the best judges in such matters, pronounce them handsome. His face is of the oval form: he has fine bright eyes, and a complexion naturally so clear, as well as indicative of health, that even Rowland's Kalydor, with all its miraculous qualities, could not improve it.

Mr. Thessiger greatly distinguished himself before the committee on the Dublin election of 1835. That committee, it will be recollected, sat daily for several months. The amplitude and readiness of Mr. Thessiger's resources as counsel for Mr. O'Connell, were the subject of general admiration during the lengthened investigation. He never under any circumstances lost confidence in himself. The most astounding facts adverse to the cause of his client, which were ever and anon coming out—often quite unexpectedly—in the course of the inquiry,—never disconcerted him in the slightest degree. With juries, the boldness of his manner, and his entire self-possession, often go a great way; and I am not sure that they do not sometimes throw

even the bench itself off its guard. He is still a rising man, and is destined, there can be no doubt, to have one of the largest businesses at the English bar.

Mr. KELLY's name has long been well known in connexion with the bar, as well as in connexion with the representation of Ipswich. He brought himself into notice soon after his appearance in Westminster Hall. Though his age is only, judging from appearances, a little above forty, he has for several years enjoyed the distinction of a silk gown. His practice, though large, is not so extensive as that of several of his brethren at the bar; but few of our common law counsel can boast of a more profitable business. Most of his clients are men of considerable wealth: they are persons, in other words, from whom a little blood can be drawn with greater ease, and with a much better grace on the part of the operator, than multitudes of clients for whom so many of the long-robed gentry in Westminster Hall are in the habit, as a sailor would say, of "spinning yarns" of intolerable

longitude. He is a man of superior natural talents, and by intense and unwearied application to the statute-book, has made himself entirely master of his profession. He is acknowledged on all hands to be a sound lawyer: perhaps, indeed, he is more distinguished in this respect than for any qualities he possesses as a mere advocate. He is an easy and pleasant speaker; but he is less showy than several others I could name, who are far inferior to him as lawyers. But though not, in the more enlarged meaning of the words, a popular speaker, he can, nevertheless, address a jury with considerable effect. Not only is his manner natural and easy, but his style is chaste. There are no tropes or figures in it. He usually places more confidence in the matter of his speeches than in any artificial attractions of style. He is always clear: I know few men who can make themselves, in intricate cases, more intelligible to a jury. He displays great judgment in concentrating into one focus the scattered pieces of evidence which have either come out in the course of the trial, in favour of his client, or in opposition to the ad-

verse party. Not less happy is he in dwelling on any material fact in favour of his client, or prejudicial to the cause of his opponent, until he has impressed such fact on the minds of the jury. His utterance is in good taste; it is neither too slow nor too quick. His voice is good, but he rarely pitches it in a loud key. He seldom varies from the tone in which he commences; but he slackens the usual pace at which he speaks, when he comes to such parts of his addresses as he thinks will tell with better effect when more slowly delivered. His gesture is not extravagant: for popular effect, I should say, on the contrary, that he is too sparing of it. His favourite action is to throw out his right hand, and move it gently in the air, and on coming to what he conceives to be a point in his speech, he knocks the table with his clenched fist. When addressing a jury, he usually fixes his eye on one of the number, and suffers it to rest on him, bestowing an occasional transient glance on two or three of the others, until he has concluded his speech.

In personal appearance Mr. Kelly is slightly

under the middle height, but of considerable symmetry of form. He is a good-looking man. His features are regular: they would be more prepossessing if they wore a less reserved expression. There is something, indeed, in the expression of Mr. Kelly's countenance which verges on sternness. It is highly indicative of intelligence. His complexion is dark, and his face is something between the round and oval form.

Mr. JERVIS is more frequently heard of in his capacity of a legislator than in that of a barrister. But though the learned gentleman's name does not appear with much frequency in the public prints, as counsel in important cases in our courts of law, he has a very respectable business. It is chiefly, however, confined to revenue cases, in which he invariably appears as counsel for the defendant. His father was for many years a barrister of considerable reputation and practice. He is a man of solid rather than of shining professional talents. His acquirements as counsel were thought sufficiently

great to entitle him, during the last year, to the offer of a silk gown. The learned gentleman, however, declined to accept the offer, because in that case he would have had to vacate his seat for Chester. He accepted, instead, a royal patent of precedence; which enables him to rank with the queen's counsel; but the honour dies with the sovereign, and in the event of a ministry adverse to his political views coming into power, a renewal of it might be denied him. Before Mr. Jervis received this patent of precedence, he was of course under the necessity of sitting in the seats frequented by the junior counsel; and he had a singular partiality to one part of the second bench. He was usually to be seen, when in court, cooped up in the corner of that bench, on the right-hand side of the court, as you enter it. At least I scarcely ever saw him in any other place. His knowledge of his profession is said to be great, and he gets credit among his brethren of the bar for a sound judgment. His manner is modest. He makes no pretensions which he cannot support: in fact, his merits are much greater than his pre-

tensions. Of how few lawyers can as much be said ! . He seldom makes long speeches. He is not one of those who measure the value or ability of a forensic exhibition by the length of time it occupies the court. He looks on long speeches as very absurd things. The bench would think it a happy deliverance if certain other counsel in the Exchequer Court, whom I could name, were to come to the same way of thinking, and to reduce their newly-adopted hypothesis to daily practice. That would make the ever-smiling countenance of Lord Abinger look doubly delightful. Nor would the thing be a subject of wonder ; for, with the exception of the Court of Chancery, or its chapel of ease the Vice-Chancellor's Court, I know of no place in Westminster Hall where the proceedings are usually so dull, as in the Exchequer Court, owing to the interminably lengthy addresses of certain big-wigged gentlemen. My only surprise always has been, how Lord Abinger has been able, while listening to such prolix orations, to preserve his usual cheerfulness of countenance. I have often seen him clasp his hands and look up to

the ceiling of the court, while some of the counsel to whom I refer have been toiling through their long-winded speeches. Did I not know that his lordship is no believer in heathen mythology, I should have been induced, on more than one occasion, to have come to the conclusion that he was, in his own mind, though his lips were motionless, invoking "the gods" to spare him a prolongation of the infliction, by prevailing on the speaker to cut short his harangue. Mr. Jervis, however, as before hinted, is guiltless of ever having placed Lord Abinger, or any other judicial character, in this very uncomfortable predicament. It seems always with him to be a most desirable object, to make his speeches as brief as is compatible with the interests of his client. And here let me observe, by way of parenthesis, that my own notion is, that lawyers' clients more frequently suffer from the length of their speeches, than from their brevity. Prolix addresses necessarily weary the judges in *Banco*, and both judge and jury in *Nisi Prius* cases. And when in an exhausted state of mind, the case of the client of the counsel who has put

them into such a state, is not likely to receive the most favourable consideration. This, let me again repeat by way of parenthesis, is my opinion; it may be right or it may be wrong; but I only speak to a matter of fact when I say, that Mr. Jervis not merely *labours* to make his speeches short, (for it certainly does require more labour to make a short comprehensive speech than a long one,) but he invariably succeeds in the effort. So far as an unprofessional man may be considered competent authority in the matter, I would say he omits nothing of importance to his client's interests; certain I am, he never says anything more than is necessary.

Mr. Jervis is always clear: there is no mistaking the grounds on which he rests his case, or the points which he wishes to establish. Whether he does always succeed in establishing them is another question. His legal knowledge, as before stated, is great; and he is evidently at much pains to bring all his resources to bear on the case before the court. He never seems to say anything for the purpose of producing effect. There are few men who rest their case more

entirely on their own naked merits. Clap-traps are things in which he traffics but little, if at all. In fact, he does not *look* like a lawyer, far less speak like one. He has much too honest an expression of countenance for his profession. Many a man enters Westminster Hall with an unsophisticated nature and an honest-looking face; but the cases are indeed few and far between, in which either the unsophisticated nature or the honest countenance is to be found after a ten or twelve years' practice there.

Mr. Jervis is not an attractive speaker. He talks fluently enough, but his voice is weak and monotonous. His enunciation is somewhat rapid, and his articulation is frequently deficient in distinctness. His manner wants animation. You see in every word he utters, and in every glance he directs at the bench or the jury, that he has abundant zeal for his client. Still there is a want of spirit or animation in his manner, which—in common jury cases especially—operates against his client. He has little or no gesture. His arms are sometimes put into slight requisition; but that is the whole amount

of it. He seems sometimes as if he were afraid that, were he to make a liberal use of his arms, the jury would call him theatrical—an attribute of which he has a perfect horror. When certain counsel rise to address the court, any “brother” who chances to be within arms reach of the party, makes it his first work to remove to a reasonable distance; evidently from an apprehension, that were he to remain, a very unpleasant application of the fist of the orator to his head, would be the consequence. Nobody ever moves an inch when Mr. Jervis rises to speak. He always keeps both his voice and his arms under more than sufficient control.

Mr. Jervis is a man of middle height, and rather slenderly made. His complexion is pale: I have sometimes thought that he looked as if not in good health, though his constant attention to his duties, both as barrister and legislator, would happily lead to a different conclusion. His face is of the oblong form. He has, as before stated, an honest expression of countenance: he always looks pleased. He was

called to the bar in 1824, and is now apparently about forty years of age.

Mr. MATTHEW HILL is a gentleman who is well known and highly respected in Westminster Hall; but his name is much more familiar to the public as the late member for Hull, than as a member of the English bar. In the House of Commons he seldom spoke; but was a good business man, and used to sit to a very late hour in the House, after the regular debates had been closed, in amending measures in committee. Mr. Hill, as a member of the legislature, was brought into unusual prominence, in consequence of the celebrated "Irish traitor affair" of 1834. It will be remembered that in a speech which Mr. Hill made, at a dinner given to him by his constituents, he stated, with the view of vindicating the policy of Earl Grey's ministry in reference to the then Coercion Bill for Ireland, that even some of the members for that country, though obliged to vote against it in order to please their constituents, privately approved of it. He instanced the case of one

of the Irish members, as having privately admitted to a friend the necessity of the measure, though compelled, with a view to his own personal safety, as well as to please his constituents, to speak and vote against it. The statement produced a sensation in the country; and the question asked by every one was—"Who is the traitor?" All the liberal members for Ireland, with the exception of Mr. Shiel, having repudiated the imputation, as regarded themselves individually, the conclusion became general, that that gentleman was the member referred to. Mr. Shiel then came forward, and denied that he had ever made use of any expression of the kind. Mr. Hill retorted, in self-defence, that he was the man, and that he had made the remark in the hearing of a friend of Lord Althorp. The matter, as will be recollected, was brought before the House of Commons, and promised, during two or three hours of the discussion which ensued on the subject, to end in a duel between Lord Althorp and Mr. Shiel. It turned out, that though Mr. Shiel had not made use of words which could bear

out the statement of Mr. Hill, yet he had employed expressions which afforded a foundation for the charge; and those expressions, as is usual in such cases, were made much stronger in their passage from Mr. Shiel's mouth, through the medium of other parties, to Mr. Hill's ears.

Mr. Hill's practice, as a barrister, has never been extensive. It is, however, of a very respectable kind. In the Court of Exchequer, and the other courts of law, a large proportion of the cases in which he is retained are of a class which involve the principles of civil liberty. The more profitable part of the learned gentleman's practice, is before committees of the House of Commons sitting on disputed elections. In the courts of law he has acquired for himself the reputation of being a good lawyer and an excellent advocate; but he has perhaps distinguished himself in a special manner before committees of the House of Commons. He was employed as counsel for Messrs. Morrison and Wason, in the memorable Ipswich election of 1835, when that election came before a select

committee of the House; and I do not speak the language of exaggeration when I say, that the manner in which he acquitted himself on that occasion, would have done credit to the most distinguished man at the bar. Towards the conclusion of the proceedings, he spoke for three or four hours at one time, and his speech on that occasion was not only admirable in a legal and intellectual point of view; but the effective manner of its delivery entitled it to the name of a great oratorical effort. I am not sure whether, taken altogether, it was not one of the most masterly forensic exhibitions which had been made in Westminster Hall, or its neighbourhood, for some years previously. There was in that speech a striking union of intellectual and professional attainments of a first-rate order, with a zeal and boldness in the cause of his clients which it were impossible to surpass. Nothing could exceed the triumphant manner in which he demolished the superstructure raised by Mr. Kelly on the adverse side; while his summing up, or recapitulation of the facts which had transpired in the course of

the investigation, was one of the most luminous statements of the kind ever perhaps submitted to a judicial tribunal. Mr. Hill's extraordinary and masterly efforts on the occasion, were crowned with success. The decision of the select committee was in favour of the claims of his clients.

Mr. Hill is liberal in his politics, without adopting ultra-radical principles. In his religious opinions he is a dissenter; and a considerable part of his practice is derived from his connexion and intimacy with the dissenting body. He has raised himself to his present station in his profession and society, entirely by his own talents; having had no advantages, either in respect of birth or of friends in after life. His father was a schoolmaster in a small country town.

Perhaps the most remarkable feature in Mr. Hill's professional character, is the singular zeal he evinces in the cause of his client. With him that zeal is literally a consuming passion. Other lawyers are all zeal while addressing the court; but before and after the conclusion of their speeches, they may be said, in a great measure,

to forget both their clients and their causes. It is quite different with Mr. Hill. His thoughts, when engaged in any important case, are scarcely ever occupied with anything else. His mind is constantly absorbed in the contemplation of the way in which he is most likely to insure the success of his client's cause. He feels thus strongly, apart from any effect which the manner in which he acquits himself may have on his professional reputation, or on his own individual interests. This is a very commendable trait in Mr. Hill's character as a barrister ; but it is certainly a most unlawyer-like one. The extreme interest which the learned gentleman feels in his client's cause, has operated very much against him in a pecuniary point of view. It incapacitates him for going through an equal quantity of business with others of his brethren at the bar. If he were more of the lawyer, and less of the honest-hearted man, he would, to use a homely expression, take the thing more easily, and consequently be able to do twice the quantity of business, with the same amount of labour as he bestows on what he does go through.

Mr. Hill has long been one of Lord Brougham's most intimate friends. With that noble lord he has cordially co-operated in several of his favourite objects. Among these I may mention the abolition of taxes on knowledge. Mr. Hill has laboured for years, with great earnestness and energy, to attain this object, and has contributed in some considerable degree to effect that reduction in the newspaper duty which took place last year.

In personal stature Mr. Hill is stout: of late he has shown a tendency to corpulency. He has a round face, which wears a pleasant and intelligent expression. It is difficult to characterise his complexion. Usually it has something which more closely approximates to paleness than any other colour; but in his more animated moods, when addressing the bench or jury, it assumes a good deal of ruddiness. I cannot state his exact age, but it must be close on fifty, if, indeed, it be not on the wrong side of it.

Mr. CURWOOD is a barrister whose name is

not so familiar to the public eye or ear as that of dozens of the profession who possess not a tithe of his talents. As a professional man he stands high, both with the bench and the bar, as he must necessarily do with all who are capable of appreciating legal attainments and legal talents. He is an excellent lawyer: there are few of the long-robed gentlemen in Westminster Hall on whose judgment, after he has maturely weighed the merits of a case, greater reliance may be placed. I believe he is, on some occasions, more dilatory in making up his mind on a difficult case than many others; but the reason of that is, that he may make himself thoroughly master, in the first instance, of the facts which bear on the question at issue; and that he may, in the second, give to each fact and circumstance its due consideration. If he be in such cases slow, he is sure; a very important matter for the client whose interests are at stake. As a criminal lawyer, Mr. Curwood was for many years admitted on all hands to be among the first, if not the first, in his profession. He practised a considerable time at

the Old Bailey, where he had a rather extensive business. He took a step some years ago, which caused him in some degree to lose caste. I allude to the fact of his having changed his circuit; which, unless in very peculiar circumstances, is considered an unpardonable infringement of professional etiquette.

Mr. Curwood has no pretensions as a mere speaker. Let me not be here misunderstood: he speaks with much ease, even on questions involving many legal difficulties and professional technicalities. What I mean by saying that he is not a speaker is, that there is nothing showy or attractive in him. He is not of the stock-still school as regards action; but his voice is not good, and there is not a particle of variety or energy in his delivery. He commences in a low and languid tone of voice, and continues in a great measure in the same tone to the end. A man of cultivated intellect would hear him out though he were to speak for an hour, because of the knowledge of his subject he displays, and the talent he exhibits on behalf of his client; but I know of few men in Westminster Hall who

would sooner clear the court of a promiscuous assemblage.

As a close pleader there are few men who can be compared to Mr. Curwood. It would be a memorable circumstance in his professional career, to catch him digressing from the real merits of the question before the court,—always of course excepting those cases in which a counsel finds, that the farther he keeps away from the real merits of the case, the better it is for his client. What I mean when speaking of Mr. Curwood's superior powers of close argument, is, that it would be rare indeed to find that he was deviating from the points at issue, when he saw that his client was likely to gain by keeping close to them, and when it is consequently his wish to keep as nearly to those points as possible. In other words, Mr. Curwood is not the man to stray from the real question, by accident or mistake.

He possesses another faculty which is rather a rare one in Westminster Hall: I allude to his powers of condensation. He brings into a remarkably narrow compass the real merits of a

case. I have known him give as much matter ; as much law and argument, in a speech which only occupied half an hour in the delivery, as most other men would do in a speech of four times the duration. I may mention, in illustration of this, a speech I heard him deliver last year in the Equity Exchequer Chamber, before the twelve judges of England. His client on that occasion was the notorious John Minter Hart, who afterwards died on his passage to New South Wales. The point of law which then came under the consideration of the twelve judges, had been referred to their decision by the judge who presided at John Minter Hart's trial at the Old Bailey Central Criminal Court. Mr. Curwood addressed their lordships in favour of his client for about twenty minutes ; and though the case was a very complicated one, involving many points of great difficulty, the learned gentleman simplified it to such an extent, and brought so many authorities, and precedents, and arguments into a speech which only occupied the above short space of time in delivery, that one of the judges—Lord Abinger, if I remember

rightly—complimented him on the circumstance; adding, that while he had thus spoken with so much clearness, closeness, and condensation, he had done every justice to his case and client. If I was not mistaken in the conclusions to which I came from reading the countenances of the other judges, Lord Abinger was also expressing their opinion in giving his own.

Mr. Curwood's practice is not very extensive, but some of his cases are understood to be tolerably productive.

The personal appearance of the learned gentleman is against him. He has a glass eye, which in some degree impairs the agreeable expression of his face. His complexion is very dark, and his face rough. His features are otherwise regular, and his face is round. He is about the middle height and of a firm compact make. His age, I should take to be close upon fifty-five. He is a man of modest unassuming manners.

CHAPTER XL

COUNSEL IN THE COURT OF COMMON PLEAS.

MR. SERJEANT WILDE—MR. SERJEANT TALFOURD
— MR. SERJEANT TADDY — MR. SERJEANT
ATCHERLEY — MR. SERJEANT SPANKIE — MR.
SERJEANT BOMPAS—MR. SERJEANT STORKS.

MR. SERJEANT WILDE has long possessed an enviable reputation as a barrister; and what is more substantial still, he can boast of a very excellent and lucrative business. With fewer advantages in early life than thousands whose names figure in the law list, but are never heard of elsewhere, and whose hands have never been encumbered by a single brief,—he has raised himself to the first rank in his profession,

whether as regards his reputation or the amount of income he derives from his business. As I have before said, no one can state with confidence, who has not had the fact from the parties themselves, or possessed some very peculiar means of information, what are the exact yearly proceeds which any of the leading counsel derive from their business; but I believe it may be said with safety of Mr. Serjeant Wilde, that while his professional income sometimes exceeds 10,000*l.*, it has been seldom, if at all of late years, under 8,000*l.* It is well known that in the celebrated case, in the year 1835, of *Atwood v. Small*, he received from first to last the princely sum of 15,000 guineas. He received 5,000 guineas with his brief, and got fifty guineas every day he appeared in the case,—which was nearly forty days altogether. He got, in addition, twenty guineas a-day in the shape of consultation fees. The case not being concluded the first session it was brought before the House of Lords, it was re-argued last session, when Mr. Serjeant Wilde got an additional 5,000 guineas, with the before-named fifty guineas every day he appeared

in it, and the twenty guineas per day for consultations. Even yet, though the pleadings are concluded, judgment has not been given in the case; Parliament, owing to the death of the late King, having risen sooner than was expected. I knew a Highland laird in the neighbourhood of Inverness, whose health Mr. Jeffrey, the distinguished Scotch advocate, now Lord Jeffrey, used always to drink immediately after that of the King. On being asked the reason why he did so, he mentioned that the Highland laird had for fifteen years, owing to a love of litigation so ardent as to amount to a disease, enriched his professional coffers to the tune of about 3,000*l.* per annum. Mr. Jeffrey, who used to call the Highland gentleman in question, "The Plaintiff,"* maintained, that so profitable a client as this was worthy of having his *health* drunk immediately after paying his respects, which as a legal subject he was bound to do, to his sovereign. I am sure that all lawyers will

* This singular man, from his quarrelsome disposition, was almost invariably the plaintiff, in the cases to which he was a party. He is still living.

concur with me when I say, that Mr. Jeffrey was quite right in drinking so regularly to the health and long life of so very excellent a client. I have no doubt that Mr. Serjeant Wilde entertains a similar feeling towards his clients in the Small and Atwood case. He ought to remember them in his convivial hours, were it only from a grateful sense of past favours, and without any reference to future fees.

It is but right to add, that the Small and Atwood case was not only a peculiar one because of its exceedingly complicated nature, but because, also, of the immense amount of property which at the time was dependent on the decision of the points at issue. It ought also to be stated that the learned gentleman's attention was wholly occupied by it, to the exclusion of other business, for several consecutive months. For six succeeding weeks he shut himself up in solitude, refusing to have intercourse with any one, in order that he might make himself completely master of the intricate details of the case. The mental exertion which this must have cost Mr. Serjeant Wilde may be inferred from the fact that he spoke on

the subject, if I remember rightly, for twelve or fourteen days at the bar of the House of Lords. We often hear the phrase "speaking volumes" made use of; on the occasion in question, Mr. Serjeant Wilde literally did speak volumes; he spoke at least five or six ordinary *tomes* on behalf of his client.

Perhaps there are few men in Westminster Hall who can boast of the twofold reputation which he possesses at the bar. Many counsel are celebrated for the extent and accuracy of their legal knowledge, but are found to be very indifferent advocates. Others are superior advocates, whose professional knowledge is very imperfect and very limited. Mr. Serjeant Wilde is deservedly celebrated in both respects. He is an excellent lawyer and a superior advocate. In the latter respect, however, he is very unequal; he appears on some occasions to far greater advantage than on others. He sometimes breaks down where one would suppose there was most room for display. I have seen him make some very indifferent forensic exhibitions. He stutters and stammers at almost every alternate

sentence, and seems as if some enemy or other had come and stolen the very words out of his mouth. One instance, out of several which have come under my own observation, of breaking down in the delivery of his speech, occurred one day in the beginning of July last. He was at the time one of the counsel for Mr. Lacy, formerly acting manager of Covent Garden Theatre, who had brought an action against Mr. Osbaldiston for a breach of contract. On this occasion Mr. Serjeant Wilde acquitted himself very indifferently. He could hardly have appeared to much greater disadvantage if the brief had not been above two or three hours in his hands. He stammered repeatedly, and after correcting particular sentences three or four times, they stood as much, if not more, in need of correction than ever. His matter, too, was very unworthy the learned Serjeant's distinguished reputation: it wanted force and arrangement. Nor was his manner, apart from his stammering, at all calculated to make up for the deficiency of his matter and style. There was, to be sure, a species of animation in it, but

it had more of boldness than anything else; and that, in the peculiar circumstances, did not serve to heighten any little effect the speech was otherwise likely to produce. I mention this as one case illustrative of my position respecting the inequality of Mr. Serjeant Wilde's forensic efforts. I should, however, say that he usually appears to very great advantage as an advocate. He has an ample command of words, and is never at a loss for ideas. Then he has a boldness and confidence of manner, which is often, especially in jury cases, of very great service to him. He is perhaps more happy in damaging the case of an opponent than in establishing his own. He thus often gains his client's case by a negative sort of process with regard to the case of the opposite side. He is well aware of his talent in this way; hence it is that he deliberately resolves to bestow more pains in destroying the superstructure of the counsel on the adverse side, than in building up a case for his client. He speaks in a loud tone: his voice is very powerful; but a court of law is not sufficiently large to test its

capabilities this way. It is somewhat hard, and in most cases he speaks in the same tone. When, however, a suitable occasion offers, he can moderate it with much effect. If he thinks it advisable to dwell on the wrongs, real or alleged, of his client, then he can speak in a low tone of voice which is touching in no ordinary degree. I have known him achieve some of his greatest triumphs in *Nisi Prius* cases by putting aside nearly altogether the mere legal bearings of the case, and addressing himself in a half mournful sort of tone, to the feelings and sympathies of the jury. I have known him on such occasions so powerfully touch the better nature of the jury, that it was with difficulty they could refrain from even feminine weakness. An instance consists with my own private knowledge, in which a gentleman, who was for many years extensively connected with the publishing trade, was so completely deceived by the excellent acting of Mr. Serjeant Wilde in his pathetic appeals to the sympathies of a jury, that some days after the particular trial was over, he wrote

a letter to the learned gentleman, most warmly thanking him for the intense interest he had manifested in vindicating his character from the attacks of Sir John Campbell, the Attorney General. The fact was, though the gentleman in question would not have been made to believe it by all the arguments in the world; the fact was, that Mr. Serjeant Wilde never wasted a single thought on the party's character; but the Attorney General having gone out of his way to attack it, Mr. Serjeant Wilde seized on the circumstance with the skill of an experienced general, and made one of the most touching appeals to the jury on the subject, ever heard in a court of law. I have every reason to believe that this appeal so influenced the minds of the jury on the gentleman's behalf, as to pave the way for their returning a verdict in his favour. At all events, I can say this with safety, that contrary to the expectations of most of the members of the profession who were present, they did return a verdict in his favour.

I have often observed, or fancied I observed, an

unusual pungency of remark on the part of Mr. Serjeant Wilde towards Sir John Campbell, when the latter chances to be pitted against the learned Serjeant. What the cause of this may be, I do not know. Possibly it may arise from a peculiarly strong feeling of professional rivalry between the parties; or it may be from causes with which no second party is acquainted. Be this as it may, the observations of the learned Serjeant at the expense of the Attorney General are often very pointed. I could give numerous instances, but that I am sure would appear to be in bad taste, to say nothing of the consequent absence of good feeling.

Of Mr. Serjeant Wilde, as a member of the legislature, I have spoken in a former work.* He has always been the zealous and able advocate of liberal politics, and has, by his electioneering struggles with the Newcastle family, done good service to the interests of reform.

In person he is about the middle height, and rather stoutly made. His frame is robust, and has all the appearance of good health. His face

* Random Recollections of the House of Commons.

is large, and of the oval form. It possesses powers of expression of the first order, did he choose to exercise them. His features are marked. He has an ample well-developed forehead. His complexion has somewhat of a sallow tinge about it. The expression of his countenance is that of a man of great energy of character, combined with superior intellect. His age is about fifty.

MR. SERJEANT TALFOURD'S name is as well known in Westminster Hall as it is in parliament or the library. He has long possessed an extensive and lucrative practice in the Court of Common Pleas, to which he almost exclusively confines himself. And his business, it is but justice to him to add, is steadily increasing. As a lawyer, Mr. Serjeant Talfourd ranks high, though inferior to several of his professional brethren. His reputation in Westminster Hall is chiefly grounded on his talents as an advocate. He cannot be said to be a fine speaker: his elocution is not good; neither is his manner graceful or imposing. It is the brilliancy of his

matter and the singular fervour of his manner, that have won for him those wreaths of forensic fame which adorn his brow. In these respects Mr. Serjeant Talfourd has no competitor at the bar. He stands quite alone; and is likely to do so, so long as he shall continue to confer a lustre on the profession by practising in Westminster Hall. The annals of our civil jurisprudence furnish but few precedents—to speak in legal phraseology—of the same happy union of law and literature, as is afforded in the case of Mr. Serjeant Talfourd. He never loses sight, in any of his speeches, of those points which have a special relation to the law of the case: these he brings forward with a marked promi- nency; but then he so intermingles the most dry and uninteresting details of his profession with the tints of his rich imagination, as to give to his speeches a brilliancy which not only dazzles the minds of ordinary persons, but often captivates the most sober and calculating of the judges themselves; and thus, unconsciously on their parts, paves the way for a decision in favour of his client. Mr. Serjeant Talfourd

scarcely ever opens his mouth without giving utterance to some beautiful poetical figures. He cannot, indeed, without an effort, speak in plain prose. Other poets require an effort of no ordinary magnitude either to talk or write poetry; with him it is a sort of necessity of his intellectual nature. He speaks poetry by a species of intuition: he often clothes his ideas in the most beautiful poetic phraseology, without seeming to be aware of it. And yet all the while, let me again repeat, he never loses sight of the legal bearings of the case in which he is engaged. Often have I regretted, when hearing Mr. Serjeant Talfourd speaking in the Court of Common Pleas, that he had not what the author of "Paradise Lost" so eagerly longed to have, namely, a "*fit* audience." I have thought of the infinite — ecstatic is not a sufficiently expressive word — of the infinite delight with which an audience composed of kindred spirits, would listen to the brilliant effusions which proceed from him. You see the impress of a poetic genius in almost every sentence he utters. He throws his

whole soul into his speeches. He literally labours with ideas, arguments, and illustrations. They come upon him much more rapidly than he can either find words to deliver them, or the requisite time to put them into language. Not that he has the slightest hesitation or difficulty as to the employment of an effective and a suitable phraseology; but that his ideas rush upon him so rapidly, that you would suppose there must be a sort of struggle in his mind as to which has the right to a priority of utterance. Even under these circumstances he but seldom hesitates: he scatters his brilliant thoughts and beautiful images about him, as if they were thrown out by a species of mental machinery. A more impetuous or impassioned delivery, I have seldom heard. It is impossible, in his more animated moments, to follow him closely: the most experienced shorthand writers give up the task in despair. But even suppose, so far as the mere mechanical part of stenography is concerned, they could follow him, still, they would occasionally—those of them at least possessed of any portion of intellec-

tual taste—feel themselves so entranced by his eloquence, that the pen would, unconsciously to them, fail to discharge its duty. I have often, as just remarked, regretted to see some of his most beautiful speeches thrown away in a court of law. I have thought it was throwing pearls before swine. The plodding counsel, and the hard-working matter-of-fact men on the bench, and the promiscuous though limited assemblage of strangers present, are not exactly the audience most likely to appreciate the higher efforts of intellect, and the more brilliant and lofty excursions of the imagination. I have had the good fortune to hear the learned Serjeant deliver some of his happier effusions to a “fit” audience—one which could and did appreciate the beauties with which, both as regards sentiment and diction, they abounded. I had this happiness in May last year. The occasion was the anniversary dinner of the Covent Garden Theatrical Fund: the place the Freemason’s Tavern. My difficulty would be, were I now called on to decide the point, in saying whether I was most delighted with the speech or with the circum-

stance of its being delivered to an audience who were capable of duly appreciating its excellence. There were about one hundred and fifty gentlemen present, and among them were some of the most brilliant names which, in modern times, have shed lustre on the histrionic art. There were Betty (the young Roscius of thirty years ago,) Mr. Young, Sheridan Knowles, Mr. Ward, Mr. Bartley, and various others, distinguished for their literary taste, as well as for their professional talents. The speech, though evidently unpremeditated, was not only singularly suitable to the circumstances under which the gentlemen present had assembled, but it was a most happy effort, viewed merely as an exhibition of intellectual power and attainments. I shall not soon forget the breathless attention with which it was listened to; nor the glow of admiration and delight with which the countenance of every person present was lighted up, while the eloquent and admirable sentences of Mr. Talfourd fell on his ears.* But this may

* The subjoined extracts from this speech need only to be read to enable the reader to form some concep-

be considered by some of my readers a digression, though I can hardly bring myself to believe that it is so.

tion in his own mind, of what the effect of that speech must have been, delivered to a "fit audience," in a suitable place, and with the learned Serjeant's animation of manner.

The Chairman, Sir George Murray, having compared the theatrical to the military profession, Mr Serjeant Talfourd alluded to the circumstance in the following terms :—"While listening with admiration to the speech of the gallant chairman, in which he had not scrupled to compare the glorious impulses of a soldier to those of the stage, I could not refrain from congratulating myself on such a coincidence with my own thoughts. I have often been proud to claim for my own far humbler profession a like analogy—to conceive a momentous trial like a drama, embracing within a few hours the interests of years, restrained, bounded, and dignified by solemnities and forms which defined it as a thing set apart from the common succession of human affairs—sometimes developing affecting details of generosity or graced by the beauty of suffering, closed by a catastrophe which was anticipated with quivering expectation, with sometimes a back-ground of public interest

One of the most splendid forensic efforts I have ever had the good fortune to listen to, was where the struggle of principles and the fate of parties might be discerned in the intellectual perspective. But the truth is, that the drama is akin to all arts and all professions. It mirrors them all, only in fairer and happier forms than they assume in the light of common day, and while it raises us beyond the petty cares and anxieties of ordinary life, makes us feel our nearer kindred with all that belongs to man." The learned gentleman thus proceeded:—"Of all the fine arts the art of acting most requires and deserves an association like this, because it does not make a cold appeal to posterity, but receives its immediate reward from present affection. It acquires a stability as well as lustre by an incorporation like this, which does not leave one generation of actors to be linked to another only by the most genial of traditions, but which connects them by the memorials of benevolence and affection, which make the successes of the past live in the comforts and the gratitude of the present, to which they have contributed, and give to the actor who has left the stage of life, such a place in the affection of survivors, as has been to-day attributed to the late treasurer by the simple and affecting eloquence of his successor. I have been deputed to propose 'the Drama and its Patrons,' and I do so with pleasure, because I do not

made by Mr. Serjeant Talfourd towards the close of 1834, in the case of the trial of Rich- participate in the apprehensions of those who think that the drama is dying among us. From the day when 'Virginus' was produced, when the old forms of Roman austerity were animated with present life, I have felt that this reproach on the age has been wiped away; and only a few weeks since, the example has been followed by a young writer, the riches of whose genius have only begun to gleam upon the world, and whose thought and pathos are struggling into light upon a scene where they will achieve the noblest victories: I allude to the author of 'Paracelsus' and 'Stratford.' And if we have seen many of the great actors who have illustrated their childhood pass away—if we have to deplore the loss even of the last of the family of Kemble, to whom we are indebted for so many images of grandeur and beauty, which will never die while consciousness remains—if Mr. Young, on whom the mantle of Kemble had so gracefully fallen, is now among us only as a friend—although it would be too much to hope that, within the space of one life could be seen another Siddons, I cannot doubt that some mute inglorious Kemble may yet come, to embody all the school-boy's floating notions of Roman greatness; some O'Neil to exhibit all that is beautiful in womanly sorrow; some inspired youth like the

mond v. Tait. The case was one of very great interest. The action was brought against Mr. Tait, the proprietor of "Tait's Magazine," by the individual so well-known by the name of "Richmond the Spy," to recover damages for an alleged libel against the latter individual,

Master Betty of our own childhood, to fascinate the town with early elegance and grace. In proposing 'The Patrons of the Drama,' I do not refer only to those whose munificence has excited our gratitude—to the high or even middle rank of society ; but to the honest-hearted frequenters of the pit and the galleries, without the aid of whose sympathy it would, indeed, languish and expire. I trust the day will never arrive when the prevalence of mere scientific pursuits, or even of our literary tastes, will cause our old stores of pleasure to be forsaken ; but that a day will come when the tradesman, the artizan, and the mechanic will learn to appreciate a scene of greatness and of beauty beyond their ordinary sphere, but akin to their natures ; and that then the distinction of rank will shed grace upon the stage, while the noble equality of the human heart will be vindicated in the union of all ranks, and the melting down of all distinctions in one pervading emotion—one convulsive throb of sympathy—one burst of generous pleasure."

arising out of some remarks which Mr. Tait, in his Magazine, made on his conduct, in reference to the trials for sedition which took place in the west of Scotland upwards of twenty years ago. Mr. Serjeant Talfourd was counsel on the occasion for Mr. Tait, and the trial took place in the Exchequer Court in the City of London. The learned gentleman spoke for three hours and a-half, and was listened to with the most breathless attention during all that time by a crowded audience. In some of his peculiarly striking bursts of eloquence he absolutely entranced them, and when he concluded his address,* forgetting for the moment that they

* I here give the peroration of the learned gentleman's speech on this occasion, with some of the remarks which preceded it; only it is right to premise, that no idea of the effect it produced in the delivery, can be given by any report:—"But, gentlemen of the jury, if the dark parts of this case remain unproved; if Mr. Richmond's own view of his own conduct be in any measure just, is he the man who, upon his own showing, can ask you damages? He presents himself as a sincere reformer, yet ready to do the secret

were in a court of justice, where demonstrations of public applause are never permitted, work of a government most alienated from the people—to aid it, as, he says, in suppressing a plot, which, above all other things, would quash the demand for reform, and which he who would represent himself as the agent of that government, studies to suppress in secret. He was to organize a body of spies, while he himself remained unseen, the pestilence that walked in darkness; and in fact, the lives of many were put in peril, from which only what men call accident saved them. Can he reflect on these things, and desire damages for any epithets an honest man can apply to him? If, indeed, some lingering regard to the popular cause still survived; if in one of the marvellous turns of the human mind, he ever was betrayed for an instant into a true passion, those remaining traces of honesty found the most dangerous appliances in his fearful work, for they enabled him to excite sympathies, to suggest kindling thoughts, to rouse emotions into arms, which would have lain cold and dead before the words of one who was in all things a calculating traitor. These, and the experience he himself had in suffering, and the reputation he had acquired by his share in the previous strike, became the fibres of that net in which he sought to enmesh his victims. And what description of victims? Not the dissolute and reckless, whom a more

they gave vent to their feelings of admiration by loud plaudits, until interrupted by Mr. Baron

wary accomplice might seduce into a particular act of crime ; but honest enthusiasts ; men of high mind, courage, and principle ; men through the gloom of whose dungeons, visions of the future progress of mankind in virtue and happiness had shone ; and who on the scaffold displayed such examples of affecting bravery as drew tears even from the eyes of those whose lives they had endangered, and who were compelled, or thought they were compelled, by hard political necessity, to sacrifice them. I am ready to admit, and the fact has been already admitted, in terms perhaps larger than the facts will justify, that Mr. Richmond did not thirst for the blood of his victims—that he would have preferred their escaping, so that he obtained his reward—that he had once cherished those honourable aspirations which might have raised him above the humble rank in which his course began, and had yielded, under the pressure of the temptation of distress, to sell the eternal jewel of his soul—that his work, while it proved the real relation in which he stood, gave some evidence of relenting, of shame, and of a desire to veil, even from himself, the worst parts of his action and of his designs, which showed rather an extraordinary defect in the moral sense, than the full consciousness of deliberate villany. But the work was

Parke, the presiding judge. The damages in this case were laid at £5,000; but the plaintiff, done—the lives were perilled—the effects were produced—the price was paid. He stands before you revealed—almost confessed—the agent of a system involving the worst, the most deadly of treasons,—treason to all those affections, and charities, and confidences, to protect which we are willing to surrender a portion of our natural freedom—without which the frame of social life becomes a bloodless, heartless machinery of punishment, instead of an entire breathing and sympathising thing—poisoning those sources where its vital current runs, and in which it must either live or bear no life. Rather than endure the polluting tortures, the complicated depravities, the myriad treasons of this engine of corruption, working within the forms of constitutional government, give me an honest despotism, beneath the shade of whose iron fortresses our own circles of friendship may be sacred, and which will not, at least, deprive its slaves of fellowship and of mutual trust amidst their sorrows and their shame! That system, I trust in God, is past for ever. Whatever struggles the spirit of humanity and of freedom may be destined to endure—if it shall yet be exposed to earth-born strength, instead of the common vital and informing principle, tempering and elevating it—the contest will at least be an open, manly, soldier-

after the trial had lasted for two days, consented to be nonsuited; which was practically the same

like battle ; not a series of low treacheries, and slimy frauds, and tormenting violations of all that makes life dear to us. Admitting that the plaintiff was not the worst of those base instruments which power had once wielded—admitting that there might be (and the book of Mr. Richmond's, from which extracts have been read, gives intimation that there were) some self-deception in the course of his proceedings, some lingerings of better hope, and some after-relentings and desires to avert the severest penalties from his victims, which might bring him within the scope of human sympathy—admitting that he was not wholly alien from a nature, never, in its lowest descents and degradations, entirely divorced from the sense and capacity of good ;—seeking not to deprive him of such allowances between his conscience and his God, I call upon you, gentlemen of the jury, to tell him that he, the instigator and betrayer, has no right to complain in a court of justice, when, at his own call, the iniquities of long past years have started up in spectral array, because men have shuddered to behold them ; or to ask damages for the commentaries of history and criticism upon a character, the price of which he has already demanded and received, in those few ' hundred

as if the jury had delivered a verdict for Mr. Tait.

Mr. Serjeant Talfourd's personal appearance is not imposing. He scarcely reaches the middle height, and has nothing muscular about him. His complexion has something of a copper colour; and his face partakes of the oval conformation. His features are regular and agreeable: indeed there is something unusually pleasant, as well as highly intellectual, in his countenance. It is eminently expressive of a kindly nature; and every one acquainted with the learned gentleman knows, that in this instance at least there is truth in the science of physiognomy. In Mr. Serjeant Talfourd's dark lustrous eye, there is something peculiarly expressive. I never knew a case in which the observation of one of the ancients, that the eyes are the windows of the soul, applies more forcibly than in that of the learned gentleman. You see the inner man at once in his eyes; you

pounds' paid to him by government for his unhappy six weeks' service, and for which you will not allow him to obtain one farthing more."

cannot look on them and come to an erroneous conclusion as to the moral and intellectual conformation of the learned gentleman. They are eloquence itself. I have sometimes fancied that Mr. Serjeant Talfourd achieves his triumphs as much by his eyes, as by the beauty of his sentiments and the poetry of his diction. They have a soft and touching, I had almost said a bewitching expression, which there is no resisting. His voice is not particularly good: there is often, especially in his more animated moments, a huskiness about it, which is in some measure aggravated by his inability to pronounce the letter *r*. This sometimes gives to several consecutive words a sort of burring sound, if I may use the expression,—which impairs the effect of his public speaking. There is little variety in his voice: he either speaks in a high or low key, according to his subject; but he does not vary the tones of his voice with that rapidity which is essential to graceful speaking. I do not suppose that this arises so much from not having the power of modulating his voice, as from the circumstance that his whole mind is so engrossed

with the subject, that the mere adventitious attributes of public speaking never occupy his thoughts for a moment. His action is not violent: he makes no extravagant use of his hands: his gesticulation consists for the most part of a gentle movement of the right arm. Few of his brethren at the bar can better afford to dispense with anything in the shape of theatrical gesture. His action is in his eyes, and in his singularly earnest and impassioned manner.

It is Mr. Serjeant Talfourd's happiness to be as great a favourite with the bar as he is with the public. There is, indeed, something so very conciliatory in his whole deportment, whether viewed as a private individual or as a professional man, that it were impossible for any one to regard him with any other than a friendly feeling.

He is one of the many instances which the bar of the present day, as well as of a past period, affords of the possibility of uniting the first professional attainments with the cultivation of a refined literary taste. Mr. Serjeant Talfourd's literary reputation is so great and so extended, that I am spared the necessity of

alluding to the subject. I may, however, mention a fact which is not so generally known. That fact is, that the learned gentleman is not only passionately fond of literary pursuits, but is so partial to the representation of the legitimate drama when the leading characters are in proper hands, that he loses no opportunity of being in the theatre on such occasions. Macready is, of all our present actors, his greatest favourite; and when he personates any of Shakspeare's happiest characters, the circumstances must be urgent indeed that prevent Mr. Serjeant Talfourd being present. He always, on such occasions, stretches a point to witness the performance; and the deep and cordial interest he feels in the scenes which are before him—in those especially in which Macready takes a leading part—is evinced in the hearty plaudits with which he greets their representation. It is said of an eminent actor, that when he used to witness Pope clapping his little hands in one of the boxes in testimony of his approbation of the acting of the former, he felt infinitely more gratified with the proof

thus afforded of the approbation of such a judge as Pope, than he did at the deafening applause with which his ears were greeted from the audience as a body. I have sometimes thought that Macready must experience a similar feeling, when he sees the manifestations of the enthusiastic admiration of his acting, which Mr. Serjeant Talfourd is in the habit of affording.

MR. SERJEANT TADDY is one of the oldest serjeants alive. His age cannot be under sixty-five, if it be not nearer seventy. When in the meridian of his professional life, he had a very extensive practice; but for some years past it has been gradually diminishing, and is now very limited indeed. There is, however, I believe, but little doubt, that he acquired a comfortable independency when his business was large, and can consequently witness the success of others who have risen up and supplanted him, with less jealous feelings. Latterly he has gone to the court chiefly for amusement. He is a man of gentlemanly manners, and still displays very considerable eloquence when he

happens to be retained in an important cause. He was always remarkable for his winning mode of addressing a jury: his forte consisted rather in tender than forcible appeals to them. Hence his greatest triumphs were achieved in cases which afforded him an opportunity of working on the sympathies of the human mind. He has the reputation—deservedly so, I am sure—of being a man of superior education. As a lawyer he has never ranked among the first class; but his legal attainments have always been admitted to be above mediocrity. Before the elevation of Mr. Serjeant Vaughan to the bench, which elevation took place in 1827, Mr. Serjeant Taddy and he were generally opposed to each other: since then his opponent, in almost every case of importance in which he has been engaged, has been Mr. Serjeant Spankie.

It is a very general remark, that there is a lamentable want of real independence of mind at the English bar. It is said, that there is hardly a man in our courts of law who will persist, for any length of time, in maintaining his own conscientious opinion in opposition to the

dictum of the bench. There may be much foundation for the complaint, that there is a too general subserviency to the judicial seat; but there are many honourable exceptions to the observation in question. There are many men at present in Westminster Hall, who, while treating the bench on all occasions with becoming respect, never suffer that respect to trench on their own true independence of character. Mr. Serjeant Taddy was always an instance of this. I may here relate a striking exemplification of the fact, as it appeared in the public journals in 1823. The scene of the exhibition was the Court of Common Pleas, and the cause was one headed *Thurtell v. Beaumont*. Mr. Serjeant Taddy was examining a witness from Norfolk, and having asked him a question about something that had happened after the plaintiff had "disappeared" from that neighbourhood, as the learned gentleman expressed it, Mr. Justice Allan Park, who presided on the occasion, interposed and said, that the question was an improper one, and ought not to be put.

Serjeant Taddy—That is an imputation to which I will not submit. I am incapable of putting an improper question to any witness.

Mr. Justice Park—What imputation, Sir? I desire you will not charge me with casting imputations. I say the question was not properly put, for the expression “disappear,” means “to leave clandestinely.”

Serjeant Taddy—I say it means no such thing.

Mr. Justice Park—I hope I have some understanding left, and so far as that goes, the word certainly bore that interpretation, and was therefore improper.

Serjeant Taddy—I never will submit to a rebuke of this kind.

Mr. Justice Park—This is a very improper manner, Sir, for a counsel to address the bench in.

Serjeant Taddy—And that is a very improper manner for a judge to address counsel in.

Mr. Justice Park (rising with some warmth)—I protest, Sir, you will compel me to do that which is very disagreeable to me.

Serjeant Taddy (with equal warmth)—Do what you like, my Lord.

Mr. Justice Park (resuming his seat)—Well, I hope I shall manifest the indulgence of a christian judge.

Serjeant Taddy—You may exercise your indulgence or your power in any way your Lordship's discretion may suggest; it is a matter of perfect indifference to me.

Mr. Justice Park—I have the functions of a judge to discharge, and in doing so, I must not be reprov'd in this kind of way.

Serjeant Taddy—And I have a duty to discharge as counsel, which I shall discharge as I think proper, without submitting to a rebuke from any quarter.

Here Mr. Serjeant Lens rose to interfere.

Serjeant Taddy—No, brother Lens, I must protest against the interference.

Serjeant Lens—My brother Taddy, my Lord, has been betrayed into some warmth.

Serjeant Taddy (pulling back Serjeant Lens into his place)—I again protest against any in-

terference on my account ; I am quite prepared to answer for my own conduct.

Mr. Justice Park—My brother Lens, Sir, has a right to be heard.

Serjeant Taddy—Not on my account: I am fully capable of answering for myself.

Mr. Justice Park—Has he not a right to address the court on any subject he pleases ?

Serjeant Taddy—Not while I am in possession of it, and am examining a witness.

Here, say the public journals of the period, the dispute ended, and his lordship threw himself back in his chair, and was silent.

In the personal appearance of Mr. Serjeant Taddy, there is nothing particularly striking. He has a bright eye, and an intelligent expression of countenance. His complexion is of a sandy colour. He is of the usual height, and of proportional thickness. Notwithstanding his advanced age, he still possesses considerable physical vigour: a fact which may be inferred from the circumstance of his still being often to be seen in the Court of Common Pleas when he

has nothing in the shape of business to induce him to be there.

MR. SERJEANT ATCHERLEY is another gentleman whose name is now much less frequently heard of than it used to be. When he is retained in an important cause, it is usually in opposition to Mr. Serjeant Bompas. Mr. Serjeant Atcherley's name was originally Jones. I have not heard the particular circumstances under which he changed it to that in which he now rejoices; but there can be no question that he had solid reasons for the change. There must have been money in the matter; for that is the almost invariable cause of such changes. At all events, a lawyer, who will proverbially do nothing without "a consideration," would never entertain for a moment the idea of relinquishing one name to adopt another, without an ample fee in some shape or other. Least of all would any man, without adequate remuneration, give up so short and snug a name as "Jones," to make way for the adoption of the comparatively harsh, incon-

venient one of "Atcherley." Why, in the course of a long professional practice there would be found a very considerable difference in the article of expense, between the two names; for the former being much shorter than the latter, there would necessarily be a saving of time in writing it, and another saving in the quantity of ink which it would consume in the process of being put on paper.

But quitting this matter, as one which concerns Mr. Serjeant Atcherley dividually and not the public, I may remark, that though he often displays an irritable temperament in the discharge of his professional duties, he is a man of gentlemanly manners. He is bland and civil to every one, without regard to the party's station in society, with whom he comes into contact. He is a respectable lawyer, but nothing more. He is understood to think quite as highly of his own professional attainments as does any one else. In this, however, it is due to the learned gentleman to say, he is by no means singular. The difference, in this respect, between him and many other barristers whose

names I could mention is, that his vanity or exaggerated estimate of his own powers, is more transparent than theirs. He is a tolerable speaker, in so far as voice and gesture are concerned, but he never rises to anything worthy of the name of eloquence. He has great confidence in his gentlemanly appearance and manners, and in many cases he finds his blandness of character more serviceable to his client in the cross-examination of a witness, than if he were to resort to the bullying and brow-beating mode which, to the great discredit of the bar, is, as before remarked, so general in our courts of law.

Mr. Atcherley's practice is not large; but he holds the comfortable situation of Chancellor of the Duchy of Durham, the duties of which office he is said to discharge in a very efficient manner. In politics he is a Tory, and as such stood unsuccessfully some time since for the representation of the city of York.

He is still a good-looking man, though close upon his sixtieth year; if indeed he have not already reached it. His countenance partakes

of elongation, but has a sufficiently pleasant expression. His complexion is sallow. He is of the middle size both in height and form.

Mr. SERJEANT SPANKIE was one of the best known barristers in the Court of Common Pleas a few years since. His being then the representative of the Finsbury district of burghs, contributed largely to keep his name before the public. He lost his seat in that burgh in consequence of his veering round from extreme Liberalism to the Tory system of politics. With the loss of his seat for Finsbury, came a necessary diminution of the frequency with which his name had for some time previously appeared in the public journals. For many years he had a large and profitable practice: of late, owing to the rising reputation of Mr. Serjeant Wilde, and Mr. Serjeant Talfourd, it has considerably decreased. Mr. Serjeant Spankie, however, can better afford to lose a portion of his general business than most men at the bar, inasmuch as he receives a handsome yearly salary from the East India Company as their standing counsel. Mr. Ser-

jeant Spankie, who is from the North of the Tweed, commenced his career in the metropolis as reporter and assistant editor of the "Morning Chronicle," then the property and under the management of Mr. Perry. Soon afterwards he went out to India to practise as a barrister. For some years he remained in the East, and during that time regularly appeared professionally in the courts of law. For some reason or other, however, he returned to this country, and commenced practising at Westminster Hall. He is said to afford the only instance on record of a barrister going out to India as a professional man, and returning to England to practise in our courts. As a lawyer he does not rank in the first class; but he has good natural talents, and a readiness in unexpected emergencies, which rarely fails him. Some of his speeches display a vein of happy humour. As regards mere talent, his statements are generally superior to his replies. He is a fluent, and would be an elegant speaker, were it not that his strong Scottish accent, aggravated by a harsh voice, impairs the effect of his elocution.

He speaks with much seeming ease; and very seldom has to recal his words. His manner is animated: he is seldom dull or heavy. He carries his hearer along with him, even when he is manifestly outraging the acknowledged rules of logic in every sentence he utters.

I mentioned, in incidentally alluding to Mr. Serjeant Spankie in another work,* that when engaged on the "Morning Chronicle," he was the most rapid writer ever known. When I say this I do not mean that he possessed a facility of composition superior to other men; but merely that in point of mechanical dexterity in writing; in other words, in transcribing from notes or writing from memory, he was altogether unequalled. This great rapidity of writing has been of essential service to him through life, inasmuch as it has always enabled him to go through a much larger amount of what is termed the drudgery of business, than he could otherwise have done without an increase of fatigue. He is still a quick writer, though it may be inferred, from the fact of his being now close on

* The Great Metropolis—First Series.

his sixtieth year, that he is not so rapid in his penmanship as when in the meridian of life.

It is understood that had his knowledge of law been greater than it is, he would before now have been raised to the bench. That the learned gentleman should in this respect be defective, is not a matter of wonder, when it is recollected that he spent several years of the best part of his life in the East, which must have been to him so much time lost, as regarded the study of the English law. The ground for surprise therefore is, that he should as a lawyer acquit himself so creditably as he does.

Mr. Serjeant Spankie is tall and rather athletic. He seems still to possess a good constitution, notwithstanding the combined effects of a residence in an eastern clime, close application to an arduous profession, and advancing years. His complexion is pale. There is a heaviness about his eyebrows; and the general expression of his countenance is that of close reflection. His eye is quick and full of fire. His face is round, and his nose partakes of the cock-up form. He possesses a considerable

flow of spirits, and is evidently, as just hinted, capable of going through much physical fatigue.

Mr. SERJEANT BOMPAS is well known in his professional capacity. For a considerable time he had a very large business, though chiefly of a nature to prove less lucrative than the more limited practice of many of his brethren. Of late, the business of Mr. Serjeant Bompas has declined, though still large enough to bring him in a fair yearly revenue. He originally practised at Bristol, where he had a very extensive business, but not deeming that place sufficiently large to afford full scope to his professional talents and enterprise, he came up to London and entered the Court of Common Pleas. Mr. Serjeant Wilde has been of great service to him in bringing him forward at Westminster Hall. In fact, he is spoken of by his contemporary counsel, as that learned gentleman's fag. I believe there is no question, that many of the briefs he has "bagged," if I may use a sporting term, have been procured through Mr. Serjeant Wilde's instrumentality; the latter recom-

mending him in cases which he could not undertake himself. His practice principally consists in assault and other minor *Nisi Prius* cases. As a lawyer, Mr. Serjeant Bompas never possessed any great reputation. Neither is he considered highly educated. There is a coarseness, in most cases, about his manner of conducting a case, which at once leads to the inference that he labours under the disadvantage of an imperfect education. He is however, a first-rate talker. I am sure no one will understand me to mean by this, that he is an accomplished speaker. I simply mean by the phrase that he is never at a loss for words. He is always ready at a moment's notice to speak, no matter on what professional subject; and then you may warrant him for any length of time he chooses to name. He does not know the meaning of the expression "to break down;" or if he do, it is only speculatively, not in practice. He often repeats himself; but this is not an accidental thing. He does it designedly, in order that the points in his argument which he deems the most important may be made as clear to the minds of the jury

as they are to his own. And impenetrable indeed must be the heads of the jury, if he do not succeed in hammering into them the points to which he attaches the greatest importance. He is a man of great quickness of perception, and often seizes, with much tact, on a circumstance which may arise in the course of the proceedings, and turns that circumstance to good account for the interests of his client. He is of an unyielding disposition; he has no notion of giving up a point when he is convinced he is in the right—a circumstance which accounts satisfactorily enough for his being so frequently in collision with the bench. He has a rather pleasant voice, but its effect is often impaired by an undue animation of manner. In person he is tall and stoutly made. His countenance is of a sandy complexion. In the expression of his features there is nothing particularly striking. His age is under fifty.

Mr. SERJEANT STORKS is not now very often heard of in his professional capacity. It was not always so. Formerly his was among the

best known names in the Court of Common Pleas. He was also for many years, before he confined his business to the latter court, a successful barrister in the Court of King's Bench. Though his practice in Westminster Hall be now much less than it was when in the meridian of life, it still brings him in a considerable yearly sum; being for the most part of a very respectable kind. He also holds the office of Chief Justice of Ely, which is not only a situation of responsibility—possessing as it does a jurisdiction over capital offences—but one to which a handsome salary is attached. Some say the salary is £1,000 a year. I cannot state positively, that this is the sum which the learned gentleman annually receives for his judicial services in Ely, but I believe it is.

As a barrister, Mr. Serjeant Storks possesses a more than respectable reputation. He is not distinguished for any professional depth, but there is a quickness about him which is of great service to his client, especially in addressing a jury. He is often exceedingly happy in his cross-examinations of an adverse witness. He

sometimes treats the witnesses on the opposite side with great severity. One of his favourite expedients in his cross-examinations, is to try to frighten or confound the witnesses; on which occasions he invariably says—"Now, have a care; remember you are on your oath." For a considerable time past he has been the leading counsel on the Norfolk circuit. His voice is shrill, though not, except when pitched on an unusually high key, unpleasantly so. He speaks with much ease and great fluency. The words flow on him much more rapidly than he can use them with effect. Most speakers feel it their chief difficulty in their public addresses, to find a sufficiently ample supply of words wherewith to express their sentiments: Mr. Serjeant Storks is encumbered with too many of them.

Mr. Serjeant Storks is a man of short stature, and of a rather compact make. His features are common-place. His complexion is slightly dark. He has laughing eyes, and there is, as a poet would say, were he describing the learned gentleman's personal appearance, a perennial smile in his countenance altogether. You never

see him but you fancy you can read a "How do you do, Sir?" in his face. I should take Mr. Serjeant Storks to be on the high road to his sixtieth year.

CHAPTER XII.

COUNSEL IN THE EQUITY COURTS.

MR. PEMBERTON—SIR CHARLES WETHERELL—
 SIR WILLIAM HORNE — MR. KNIGHT — MR.
 JACOB—MR. KENDERSLEY—MR. TEMPLE—MR.
 WIGRAM—MR. TINNEY—MR. TRESLOVE—MR.
 BOTELER—MR. SPENCE—MR. WHITMARSH—
 MR. BURGE—MR. ROMILLY.

MR. PEMBERTON, who was called to the bar in 1816, is admitted by all, to stand first in the first rank of his profession as a Chancery lawyer. His knowledge of equity is at once profound, varied, and minute, and his judgment is of so sound a character, that his views are very rarely erroneous. His practice, as might be expected, is correspondingly large. He has, there can be no question, the most profitable business

in either of the Equity Courts, and I doubt if there be any of his brethren of the bar, in any of the other courts, who have, for the last two years, averaged so great an amount of professional income. Before the elevation of Mr. Bickersteth, now Lord Langdale, to the judicial seat in the Rolls' Court, that gentleman and Mr. Pemberton pretty equally divided the most lucrative part of the business in that court, between them. They were almost invariably opposed to each other in all cases involving property to any great amount. Since then Mr. Pemberton has, in the extent of lucrative business, stood alone; and I am satisfied I speak within bounds when I say he does not average less than 12,000*l.* a year from his professional exertions. He is wealthy, without reference to the proceeds of his business. Between his professional income, and his income from private property, it is said he could afford to live at the rate of 16,000*l.* or 18,000*l.* per annum.

He is one of those who can turn their knowledge of their profession to a proper account. There are some I could name whose knowledge

of law and of equity, is both very accurate and very extensive, and yet when addressing the court they cannot bring their arguments to bear on the question at issue, with any effect. It is quite otherwise with Mr. Pemberton. He turns every thing to practical advantage: his resources are always abundant. There is no taking him by surprise. Whatever is within the compass of his knowledge, he can bring to bear, on the spur of the moment, on the question at issue. His self-possession is not only great, but it is the same in every class of circumstances. Everything comes to him, however much it might take another a-back, as if it were a matter of course. He is singularly cool in his temperament: scarcely anything seems to excite him; and yet it is easy to perceive, from the clearness and closeness of his arguments, and the steadiness with which he keeps in view the point he wishes to establish in view, that his whole energies are directed towards the promotion of the interests of his client. His mode of speaking is, perhaps, with very few exceptions, the most languid I have ever seen in any member of the English

bar. You would often fancy, from his appearance, and the tone of his voice, that he was half asleep. I have sometimes thought it would be no great stretch of the imagination, for a stranger, coming accidentally into the Rolls Court, and hearing Mr. Pemberton addressing His Honour, to suppose that he was dreaming his speech. To be sure, the erroneous impression would not be lasting: a very moderate share of attention to what the learned gentleman was saying, would suffice to satisfy the stranger, that neither lawyers nor anybody else are in the habit of talking so rationally in their waking hours,—far less in their sleeping moments.

Mr. Pemberton has not, except in very rare cases, a particle of action—unless occasionally passing his hand over his brief, which is usually stretched out open before him—be worthy of the name. It is only now and then that he lifts his head to exchange a look with His Honour, whose face is always directed towards him, in proof of the attention with which everything the learned gentleman says is listened to by the court.

Mr. Pemberton might appear, to a superficial observer, an indifferent speaker. It is his matter, and not his manner, that wins him all his triumphs. He speaks as if he did so from compulsion, and not from choice. His words show an evident reluctance to come out of his mouth: they proceed very slowly, and often appear as if they were quite ashamed of themselves; for if you hear, in many instances, one sentence, you will have reason to congratulate yourself on your good fortune, if you hear the one which follows it, and this though within a few yards of him. Occasionally he hesitates a little; not, I have always thought, from any want of terms, but from a difficulty of fixing on that phraseology which will fully express his meaning in the fewest possible words.

Mr. Pemberton's personal appearance is not in his favour. He is of diminutive stature; being considerably below the general height, and slenderly made. He has the appearance of a rather feeble constitution; though, judging from the regularity of his attendance in the Rolls Court, he possesses a fair share of health. His

complexion is pale. He is short-sighted ; which any one would at once perceive who saw his eyes. His face is rather thin. His features are regular, and the general expression of his countenance is intelligent and sufficiently pleasant, but is wanting in decision. I should take him to be about forty-five years of age. He is a staunch Tory in politics ; but though he has been some years in parliament, his Tory zeal has not, above six or seven times, overcome his indolence, or his aversion to public speaking when he can avoid it. There can be no question that were his party again in power, and a vacancy were to occur on the judicial bench in the equity courts, he would be the man who would be raised to it.

Sir CHARLES WETHERELL'S is a name which for many years past has been extensively known throughout the country. The displays made by the learned gentleman in parliament brought him into general notice ; and the reputation, or notoriety, whichever the reader is pleased to call it, which he procured for himself by his exploits on the

floor of St. Stephen's, has been increased by a variety of accidental circumstances out of doors. As it is not my purpose, in any of these sketches, to deal to any extent in biographical details, I will only refer to that one eventful occurrence of his life which took place in 1832, on his official visit to Bristol, as Recorder of that city. It will be remembered that, on that occasion, much serious rioting took place, and that it was with great difficulty that Sir Charles escaped with his life from the violence of an ignorant infuriated populace. If to have his name in everybody's mouth, and to see it fifty or sixty times in several consecutive numbers of every newspaper in the country,—were considered a desirable thing by Sir Charles, he must have enjoyed, on the occasion to which I refer a gratification of no ordinary kind.

Mr. Wetherell had not been long at the bar before he became very generally known to the country, as well as to the profession. He soon acquired for himself the reputation of being an able lawyer; but it was not so much his legal knowledge, or his talents as an advocate, that

brought him into general notice, as the singular eccentricities of his character. There have, from first to last, been many eccentric characters at the English bar; but Mr. Wetherell has always carried off the palm in this respect from all his contemporaries. He is one of those of whom the poet, had he been alive, would have said—"None but himself can be his parallel." The learned gentleman, from the outset of his professional career up to the present moment, has always been a man by himself. He will continue so, it may be safely affirmed, till the day of his death. He is not only the most perfect legal original I ever witnessed; but I doubt if any of the lawyers of a past period ever afforded, to use their own phraseology, a "precedent" to him. He is quite an original in his dress, in his manner, and in his matter. Those who see him only in the equity courts—and he has so unconquerable a horror of the other courts, that he not only will not on any account undertake to plead a cause in them, but he would not for worlds be seen to cross their threshold—those who see him only in the equity courts,

cannot of course form any idea of the character of his wardrobe : for the ample proportions of his professional gown conceal his ordinary apparel from the rude gaze of the public. It is of a very peculiar kind: it is always, at least on all occasions when I have seen it, of a colour for which I believe there is no name. There can be no doubt that the colour, when the cloth came from the hands of the manufacturer, was what is called black ; but the thing which puzzles one is to decide what the colour is when the cloth first graces the person of Sir Charles. In speaking of him in another work,* I have said, that no one ever yet saw him sport a new suit. This may have been understood as a joke. I speak in sober seriousness when I say, that I never, so far as I could judge, saw his person graced with apparel which was fresh from the hands of the tailor. Some people would have no objection to hint, that he never purchases his clothes new, but that he deals with some second-hand vendor of apparel. This is not my theory ; neither do I subscribe to the hypothesis, that in

* Random Recollections of the House of Commons.

early life he laid in a stock sufficient to last him for half a century, and that he wears the fifty suits constituting his stock, by rotation, allowing one week to each at a time. In fact, if the truth must be spoken, I am not only dissatisfied with both these theories, but I have no hypothesis of my own to offer in their place. I may be called a pretty philosopher—that is to say, no philosopher at all—for making this admission. I cannot help it. Better to have no hypothesis at all, than to have an erroneous one. The learned gentleman takes the shine out of his clothes in a double sense. He does ample justice to them in the matter of wear and tear. He acts with his apparel on the principle of not parting with an old acquaintance so long as he can avoid it. He keeps to his clothes till they will no longer keep to him; and even then the separation is, on his part, made with the deepest regret. Whether or not this arises from considerations of economy, I cannot positively say: I am strongly impressed with the notion, that it has its origin in that singular eccentricity of character of which I have been

speaking. It is known all the civilized world over, that Sir Charles never wears braces. It has been said indeed—with what truth it is not for me to determine—that the circumstance of wearing a pair of braces proved an effectual disguise, when the Bristol mob were in pursuit of him. Possibly this is a joke, and nothing else. It is no joke, however, but a sober fact, that Sir Charles has such a mortal abhorrence of braces, or “suspenders” as he calls them, that nothing short of their saving his life could reconcile him to the calamity of wearing them. This abhorrence could not possibly have its origin in mere considerations of economy ; for an eighteen-penny pair would last him four or five years, and surely the most rigid economist could not object to this expense. I doubt, indeed, if the celebrated Elwes himself, would have grudged it. To me therefore it is tolerably clear, that as Sir Charles Wetherell’s repugnance to the wearing of suspenders cannot arise from mere considerations of economy, so it is not to such considerations that we are to ascribe the remarkable

tenacity with which he clings to his wardrobe.

But a truce to any further observations touching the wardrobe of Sir Charles. I have said that he is eccentric in his manners as well as in his dress. His manners are peculiarly his own. They belong to no particular school, nor to any class of schools: they have originated with himself. He is the imitator of no man; and no man, though a thousand were to try it, could ever successfully imitate him. His manners are not only inimitable, but they are indescribable: at any rate, I feel myself incompetent to the task of giving anything like a graphic description of them. All that I can do is to point out a few of their more prominent characteristics, and then to beg of the reader to call in the aid of his imagination to supply the deficiencies in the best way he can. When addressing the court, the first thing which attracts the attention of the spectator, is the extraordinary appearance of his face, coupled with the 'uses,' as Hamlet would have said, which he makes of it. It is of the oval form, and of am-

ple dimensions. He rejoices in a double chin, and in a couple of pendant cheeks. His face is abundantly furrowed by wrinkles, while it is "withered" in appearance, and "wild" in its expression. His eyes are large and of a greyish colour, and the singularity of their motions is a good deal heightened by the positions into which he puts his brow. The contortions of his face altogether are extraordinary. He makes the most singular grimaces I ever witnessed in a court of law, or indeed anywhere else, except in theatres and other places purposely devoted to such exhibitions. The pantomimic capabilities of the learned gentleman's countenance are, I am convinced, altogether unequalled. On the stage, he would have made his fortune, had he not, by good luck, turned his attention to the yet more lucrative profession of the law. I recollect, when at school, being often one of many others who were occasionally soundly flogged for what is called "making faces." I should like to have seen Sir Charles's exhibition in this way, when Master Wetherell. He, I am sure, judging from his achievements in his

riper years, would not only have surpassed anything I ever witnessed at any of the schools at which I ever was, but he would have immeasurably distanced the rising generation from one end of the country to the other. In his gesticulation, apart from the uses he makes of his face, there is nothing extraordinary. It is not violent. He occasionally raises both arms in the air, and then lets them gently down again. Sometimes he thinks it enough that he uses one of them. He occasionally moves his head from one side to the other, and sometimes he "wheels" about his body also. In this, however, there is nothing uncommon. Dozens of other lawyers do the same when addressing the court. The singularity of his manner, as before remarked, chiefly consists in the strange aspect he causes his face to assume.

In the article of his matter, Sir Charles stands alone. Here again he is a perfect original. It is a most extraordinary jumble. It is a mixture of extensive legal research—of a sound knowledge of the constitution and of the principles of equity—of elaborate jokes, good,

bad, and indifferent—with something not very unlike nonsense. There is no denying that his speeches abound in the knowledge to which I have referred, mingled with many exceedingly pertinent and happy observations; but the effect of his talents in this respect, is impaired by the numerous jocularities, the frequent digressions, and the endless repetitions in which he indulges. He is the most rambling speaker I ever heard, either at the bar or anywhere else. He will go any distance out of his way to perpetrate a joke. A large proportion of his speeches has little immediate bearing on the case before the court. He is often obscure; it could not be otherwise, considering the infinite variety of matter he introduces into his addresses, and the oftentimes odd manner of its introduction. He has a most tenacious memory, which enables him to lug in all sorts of things into his speeches, with the greatest ease to himself. He is partial to parentheses. It is no uncommon thing to have two of them in one sentence. His speeches are always long: he usually takes three times the quantity of time to deliver his

speech, which any other counsel would take in the same circumstances. Were it not for the witticisms with which they are usually filled, his addresses would be insufferably dull. He seems to take a special pleasure in speaking. Once he has begun, there is no saying when he will end; nor can one judge of the matter that will be introduced into his addresses, beyond the fact, that a large portion of it will be of an eccentric kind.

He has a curious muffled sort of voice, which is aggravated by the fact of his usually pitching it in a low key. He has an imperfect enunciation: there is something of a mumbling tone about his articulation, which, coupled with the little exercise he gives to his lungs, renders him sometimes inaudible to any but those who are close beside him. He speaks with some rapidity, and with much ease. He has always abundance of matter on hand, and is never at a loss for words to give it utterance. He seldom hesitates; when he does so, it is generally from a superabundance of words, rather than from any scarcity of them. His style, I am at a loss to

characterise. There is sometimes a looseness in it which destroys its force ; and yet it occasionally rises to eloquence. It is a style which, like his dress, manner, and matter, is peculiarly his own.

Sir Charles Wetherell is a tall man, and rejoices in what a Yankee would call a "pretty considerable" breadth of shoulders, and an athletic general appearance. He always looks melancholy. Though the cause of so much laughter in others, he is altogether guiltless of ever smiling, himself. He is a man of infinite good-nature. He has not, I am convinced, any unfriendly feeling towards any human being in existence ; and his appearance and manners are so calculated to disarm personal hostility in others, that I do not believe he has a single enemy in the world. Even at the bar, where so many jealousies exist, Sir Charles is a favourite with everybody.

A more honest politician never lived. His Ultra-Tory principles are dear to him as his own life ; and I here repeat what I have said in another work, that I feel the most thorough per-

suasion, that, were things to come to such a pass, as that he must either relinquish his principles or suffer martyrdom, he would without a moment's hesitation choose the latter alternative. The great sacrifices he has made for his political principles are too well known to render it necessary that I should here advert to them in detail.

I have glanced at the extreme length to which the learned gentleman is in the habit of extending his forensic addresses. Some of his speeches are perhaps the longest ever delivered. When counsel for Watson and others, who were tried for high treason in 1816, he actually spoke for eight hours, without the intermission of a minute; and on another occasion, the name of which I now forget, he spoke at the bar of the House of Lords for eighteen consecutive days, Sundays of course excepted! Allowing four hours to have been the average length of time he occupied their lordships' attention each day, and that he spoke at the rate of three columns of a newspaper every hour, this would give, according to my calculation, a speech of

such length as would fill ten of the usual post octavo volumes.

Sir Charles received the honour of knight-hood in 1826, on occasion of his being raised to the office of Solicitor General. He was appointed Attorney General in 1827. He is understood to be immensely rich for a professional man. I have heard it said he is worth about a quarter of a million ; but of course this is only conjecture, though it may be a pretty near approximation to the truth. He has still a large and lucrative practice, and though, I should think, about his sixty-fifth year, seems as active and vigorous in his professional pursuits as ever.

Sir WILLIAM HORNE is one of the oldest practitioners in the Court of Chancery. I cannot say what his age is ; but I am confident it must be upwards of sixty. He was called to the bar in 1798. He soon gave early promise of eventually attaining professional eminence ; though I believe his business did not grow on him so rapidly as his friends expected ; certainly not so rapidly as he himself could have wished.

After, however, he had been some considerable time at the bar, the briefs came in quickly on him, and what was more, they were, in most cases, accompanied by that most gratifying of all things to a lawyer—handsome retainers. I have no doubt that for many years Mr. Horne—he was not knighted until 1832,—netted some 7000*l.* or 8000*l.* per annum by his business. I question whether that business be so extensive or lucrative now. His advancing years, coupled with the circumstance of there being at present so many talented rivals in the equity courts, are much against him. Still, however, he has enough of work on hand to bring him in a very handsome yearly sum.

He was always one of those few men who unite habits of plodding industry with superior talents. He is still a hard-working man, and manifests the intensity of his solicitude for the interests of his clients, by the earnestness of his manner, and the manifest pains he is at to master the details of the case. His legal knowledge is perhaps not equal to that of one or two others who are generally

the opposing counsel in the cases in which he is retained; but, with the exceptions above alluded to, he is equal, in the above respects, to any of his brethren, and superior to most of them. He is a respectable advocate; but that, I fear, is the most I can with safety say of him. I wish it, however, to be understood, that in saying this I include his manner of delivery. Were I speaking of his matter only, I should express myself in terms of decided commendation. If that wants anything of a smart or sprightly kind, it is seldom defective in the quality of strong good sense. He can also reason well, when the equity of the case is on the side of his client. And, to do him justice, he is a rather specious sophist. Many a time have I seen him make the worse appear the better reason. His style is usually strong: it is always clear; but would often be all the better for a little polish. He keeps close to the question before the court: sometimes he does so to a fault. This may appear paradoxical; but it is a quite tenable position. It is possible, in some cases, by pursuing a very close course of argument, to weary

the attention of the judge. That attention—for judges are, after all, like other men, and occasionally need adventitious appliances as all of us do—that attention would be better kept up, if he were now and then to introduce something lively, by way of episode or parenthesis. But besides this, I have sometimes thought that, instead of labouring an important point, and trying to extract argument from it, it would be much better if he would relinquish such point altogether, or only touch lightly on it, and, assuming a sly Joseph Surface sort of countenance, insinuate his sophisms; or, putting on a bold face, literally deal in downright assertion.

Sir William Horne is not a good speaker. His manner is against him; and this fact, as already observed, I had especially in my eye when I said that he is only a respectable advocate. There is a heaviness about his manner when addressing the court, which impairs the effect of his speeches. This might now be in some degree expected, as he is far advanced in life; but it was one of his defects as an advocate in early life, when men are usually of a sprightly

temperament. I learn from one who was in the habit of attending the courts at Westminster twenty years ago, that Sir William, then Mr. Horne, was at that time considered a heavy speaker. His voice cannot be said to be absolutely unpleasant; but it certainly has not much of melody or agreeableness in its tones. It is strong enough; but there is something of a hard undefinable quality about it, which deprives it of anything deserving the name of pleasantness. He often, too, drawls out his words in a way which does not add to the taste or effect of his elocution. His voice has also a good deal of monotony in it; and there is a want of suitable gesticulation, in his forensic efforts; which circumstances, taken together, militate much against the effectiveness of his speeches. He makes little use of his arms; his head is the only member of his physical man which he uses in the service of his client. He includes some considerable portion of space in its motions; that is to say, he looks first to one side and then to the other; but these motions

of his head, if they should be made at all, have not the slightest pretensions to gracefulness. You would fancy that, instead of being as they ought to be, the result of sudden impulse, connected with zeal for his client, they were the effect of some merely mechanical agency. And to complete the catalogue of qualities which go to make Sir William Horne a heavy speaker, his countenance has a dull expression.

He is above the middle height, and rather stoutly made. His face is large, and of an oval conformation. His complexion has but little colour in it, if indeed, justly speaking, it can be said to have any at all. His forehead is ample; but there is a want of animation in his eyes, which deprives his countenance of any marked intellectual expression. There is no lack of wrinkles in his face; several of them incipient, others, as some persons would say, in full maturity. I have sometimes thought there is a more cynical expression in his countenance, than any other quality I could name. And latterly, it must be admitted, the learned gentleman has had no small cause of dissatisfaction with his

political friends; for, some years ago, when a vacancy occurred on the judicial seat in the Court of Rolls, it was thought that, under all the circumstances, he was an ill-used man in not receiving the appointment. He had not only, for many years previously, held a distinguished place at the bar; but he had filled the office of Solicitor General under a Whig government, and made great exertions for that party, both in and out of parliament.

But Sir William has also very considerable ground of dissatisfaction with himself. He lost the representation of Marylebone in the House of Commons, and consequently to a certain extent his status in society, entirely by his own folly. He not only voted on the assessed taxes, and some other questions of importance, contrary to the expressed wishes of the party who procured his return, but, when large portions of his constituents remonstrated with him on so extraordinary a course of conduct, he replied to them by sneers, and with epithets of disrespect, not to say of absolute contempt. I have myself seen some of the letters to which I refer, written

by the learned gentleman ; and I must say, that anything more calculated to irritate and mortify his former most zealous supporters, I should think it impossible to imagine. When some of these letters were read at public meetings, the electors who were present, came in many cases to a unanimous resolution to oppose him at the next election for Marylebone. They kept their word. If he broke his pledges, they were determined not to break theirs. They soon practically convinced Sir William of this, by rejecting him the next time he stood for the representation of that borough.

Are not these two causes—the neglect and ill-usage of the political party with whom he acted, and the sense of his own folly—enough to make Sir William look somewhat more cynical than the average run of men, or even of lawyers—who are, as a class, somewhat proverbial for the sourness of their physiognomies ? I certainly think they are.

MR. KNIGHT has for many years had an extensive business as a Chancery barrister. It is

a very lucrative business also ; his clients being, for the most part, persons of great wealth, and the questions at issue generally involving property to a very large amount. He soon brought himself into notice after being called to the bar, which was in 1817. To talents of a superior order he united, in the very outset of his professional career, a confidence which nothing could for a moment shake. He doubtless must often, as well as other men, feel that, in his avocation as an advocate, he has difficulties wherewith to contend ; but no one ever saw in his manner the slightest indication that he entertained any sense of those difficulties. The worse his case is, the greater is the confidence of his manner. He sometimes, indeed, when he has got a bad case, assumes a boldness of forensic demeanor which amounts practically, though of course not so intended, to an attempt to force his dicta on his lordship, just as if they were as obvious truths as the most self-evident propositions in Euclid. As regards the opposing counsel again, in such cases, he has no mercy at

all for them. While addressing himself to the work of demolishing their positions, he treats them as if they were so many pigmies, both in intellect and in professional attainment; and, as if to make this sort of treatment the more marked, he eyes them through a glass which he holds in his hand for the purpose, with an air of seeming disrespect. Let me not be here misunderstood. I by no means wish to say or insinuate, that Mr. Knight entertains any unfriendly or disrespectful feeling towards his fellow-practitioners in the Chancery Courts: I doubt not he can appreciate talent and moral worth as well as other men; but he assumes this demeanor towards them, in the hope that he will thereby weaken the effect which their speeches may have produced on the mind of the judge.

Mr. Knight is a very superior equity lawyer; and I believe his opinion is much sought after in cases which are never brought into court. He can argue closely and cogently when his case will admit of it, and there are few Chancery barristers who can more dexterously spin a

web of specious sophistry. His manner is constitutionally pompous ; it is so also from deliberate purpose, because experience has told him that to talk big, in other words, to make trifles look important, is one of the greatest qualifications of an advocate. Sometimes he overdoes the thing in this way. He appears as if he thought the matter which he brings before the court so important, that it is doubtful whether he will bring it forward at all : hence there is a sort of hesitation in the delivery of his speeches, which often impairs their effect. His oratory, at best, is very indifferent. He forces the words out of his mouth with as much seeming pain as if a dentist were drawing one of his teeth. His voice is, as Sir Charles Wetherell would say, a most unmanageable customer. His transitions from a low tone to something very like a screech, and back again from the screeching key to a subdued tone, are at once rapid and numerous. If the learned gentleman could only keep his voice in proper order, and not allow it to play its refractory pranks, I am quite convinced it would be at once pleasant and pow-

erful ; for its natural capabilities are undeniably good.

Mr. Knight's style is sometimes forcible, but there is generally an affected quaintness in it which does not add to his oratorical fame. He is singularly fond of attempts at wit ; but for every time he succeeds he fails at least fifty times. In such cases, the highest praise that can be given to his attempted witticisms, is that which Sir Robert Peel gave to similar efforts made last session of parliament by Lord Palmerston, when the Right Hon. Baronet called the intended witticisms of the noble lord "ponderous levities." There is an unusual amount of specific gravity in most of Mr. Knight's efforts at wit ; but there is no convincing himself of this ; and consequently he still perseveres in perpetrating his "ponderous levities," and will, I doubt not, to the end of the chapter.

Mr. Knight's gesticulation is not in excess. One of his arms, while he is speaking, is, in most cases, little better than an encumbrance : he is so sparing in the use of it, that you sometimes overlook the fact that he has such a mem-

ber. The other arm is useful, inasmuch as it enables him to put his glass to his eye, either when about to read some passage bearing on the question before the court, or when about to cast an apparently contemptuous look at the council who chances to be pitted against him. His head is the member of his body which Mr. Knight presses most liberally into the service of his client, in the way of action. He wheels it about, from the judge to the opposing counsel, and from the opposing counsel to the judge, in what a sportsman would call capital style.

Mr. Knight is a middle-sized, well-formed man. His complexion is pale: his countenance has somewhat of a thoughtful cast. His features are small and regular, and have, on the whole, a pleasant expression. His eyes want lustre: he is short-sighted, which renders the use of a glass indispensable in reading. His face is small, and of the oval form. His forehead is well developed, and adds to the otherwise intelligent aspect of his countenance.

Mr. Knight is about forty-five years of age. He was called to the bar in 1817. He

has worn a silk gown for several years. In politics he is a thorough-going Tory. He was a short time in parliament some years since. He has made several attempts to obtain re-admission into St. Stephen's since then, but without success; and I am afraid I cannot hold out any strong hopes to him of his ever again gracing the Tory benches; though in justice to him it ought to be said, that the Tories might, with great advantage to the party, displace dozens of their number to make room for him.

Mr. JACOB has long had a respectable business as a Chancery barrister, though not so large or lucrative as that of many of his contemporaries. In point of equity-knowledge and professional talent, he holds more than a respectable place in the estimation of the bar; but he does not rank in the first class. If his knowledge is not so extensive as that of some of his brethren, it is usually accurate so far as it goes. He has one quality about him which causes those who know him to repose much confidence in his opinions; namely, the quality of great cautiousness. He never gives an opinion until he has

thoroughly examined the matter in dispute, and maturely weighed everything which can be urged on either side. As a mere advocate, he does not shine; it is chiefly his knowledge of equity that has raised him to the station he occupies in the Chancery Courts. He is a man of highly respectable abilities in a general sense; but his delivery when addressing the court, is too defective to admit of an advantageous exhibition of his general talents. He has a singular voice—so singular, indeed, that it is difficult by any description which can be given, to communicate any correct notion of it. A stranger would suppose, the moment Mr. Jacob rises to speak, that he had something in his throat which completely muffled every sound which proceeded from it. He would at the same time conclude, that the learned gentleman was addressing the court under the influence of great depression of spirits. Nothing could have, to those unaccustomed to hear him speak, a more saddening effect than the tones of his voice. You not only imagine that he is in a melancholy mood, but you feel yourself thrown into a similar mood before you

are aware. But this is not the only peculiarity of Mr. Jacob's voice. You would fancy, even when standing within a yard or two of the place whence he is speaking, that, instead of its coming out of his mouth, it came out of the floor. Otherwise, there is nothing peculiar in the oratory of the learned gentleman. He lacks animation; and so do hundreds besides him. He has little or no action; a want not peculiar to himself. He speaks with ease and fluency: his delivery is perhaps rather rapid. His style is correct without being polished. He is a skilful pleader, as far as the matter of his speeches is concerned; but the effect of his talents in this respect is much impaired by the defects, in an oratorical point of view, to which I have just referred.

Mr. Jacob's personal appearance has nothing peculiar about it, except that his complexion is unusually dark. The expression of his countenance, as well as the sound of his voice, has something of melancholy in it. His face, which inclines to the oval form, is strongly indicative of studious habits. His features are regu-

lar and agreeable. He is of the average size, both as respects stoutness and height. He has enjoyed the distinction of a silk gown for several years. He was called to the bar in 1819, and is now seemingly a little on the wrong side of forty years of age.

Mr. KENDERSLEY is one of the most rising men at the Chancery bar. Though not much above forty years of age, he has enjoyed the distinction of a silk gown for some years. He was called to the bar in 1818, and has, ever since his *debüt* in the equity courts, been steadily rising, both in the estimation of the profession and the public. Before he had acquired much reputation as a barrister, he derived a considerable income from drawing bills; at which work he was superior to most of his brethren at the bar. He is far above mediocrity as an equity lawyer, though not of the first class. He has now a highly respectable practice. The recent elevation of Mr. Bickersteth to the judicial seat in the Rolls Court, has been advantageous to Mr. Kendersley. Previous to the appointment of Mr.

Bickersteth to the Mastership of the Rolls, Mr. Kendersley almost exclusively confined his practice to the Vice-Chancellor's Court; but on that promotion taking place, he removed to the Rolls Court; to which I believe he has confined his professional labours ever since. The cause of this change in the locality of his practice was, no doubt, the expectation that he should succeed to a considerable part of Mr. Bickersteth's business. In this expectation, as already intimated, he has not been disappointed.

Mr. Kendersley is a good speaker. His utterance is, perhaps, too rapid, but his manner is so fluent, and his voice, though low, is so pleasant, that this defect is less visible than it would otherwise be. His style is generally good: occasionally, in his happier efforts, it rises into eloquence. He wants variety, both in the intonations of his voice, and in his gesticulation. Of the latter he is sparing. He is a good-looking man, tall and slender in his figure. His complexion is slightly florid, and indicative of good health. His features are regular, and the expression of his face is highly pleasant.

Mr. TEMPLE has enjoyed the dignity of king's counsel for several years. Before that distinction was conferred upon him, he was well known as a Chancery barrister of respectable practice, and considerable talents. He has now been practising in the equity courts two years, having been called to the bar in 1810. As a speaker Mr. Temple has never ranked high, and as he is verging on his fiftieth year, there is little or no chance of his ever improving in that particular. His manner is heavy; nor is it redeemed by anything in his matter. He will not stumble on a brilliant or ingenious idea once in twelve months. I have seldom been fated to hear a speech, even from a Chancery barrister, in which there was so large a proportion of specific gravity. And yet it is but justice to the learned gentleman to say, that he can argue a point with considerable skill. He is always on good terms with himself. He never underrates the importance of his own matter, or the talents he displays; and hence, no doubt, the pomposity of his manner when addressing the court. I have often thought, judg-

ing from Mr. Temple's manner, that those speeches of his of which others think least favourably, are precisely those of which he himself has the highest opinion. His utterance is rather slow; and he sometimes "mouths" the word to such an extent, that were the younger Hamlet to revisit, not "the pale glimpses of the moon;" for the Court of Chancery never sits in moonlight; but the sunshine or fog of open day in London, he would administer a pretty sharp rebuke to the learned gentleman, for his defective oratory in this respect. His voice possesses considerable clearness and compass; but by his artificial mode of elocution, he impairs the effect it would otherwise produce. His action is monotonous. He moderately "swings" about his arms in the air, but there is no variety in their evolutions.

Mr. Temple is understood to have had an eye to a seat in Parliament for some time past; but I believe his prospects of the appendage of the magical "M.P." to his name are not particularly bright. Some time ago he meditated, if the tes-

timony of his friends may be relied on, a design on the representation of Finsbury ; but the fate of Mr. Serjeant Spankie, the quondam member for that district, is understood to have deterred him from coming forward ; his politics, if I am not misinformed, being of the mongrel school.

Mr. Temple is short and stout. He appears to possess a sound constitution. His ruddy complexion gives some indication of good health. His face is sharp. In the expression of his countenance there is nothing peculiar ; if anything, it is deficient in intelligence.

Mr. WIGRAM is the son of Sir R. Wigram, so well known for many years as one of the most active of the directors of the East India Company, and as an extensive ship-owner. Mr. Wigram was called to the bar in 1819, and partly through means of his influential connexions, partly by reason of his professional talents, soon got into a large practice. Few junior counsel, indeed, could ever boast of a better business in the Chancery courts. Mr. Wigram is a man of great shrewdness of mind

and quickness of perception. He has also always enjoyed the reputation of being a good equity lawyer. He is a close and clear reasoner : few men can more effectually establish a proposition of their own, or hunt down the leading argument of an opponent. His style is always accurate, and often forcible. Sometimes it has the appearance of being laboured ; though my own opinion is, that it is quite natural to the learned gentleman. His elocution is good. He has a powerful and sonorous voice, which, in his more earnest moments, produces a fine effect. His principal defect as a speaker, is a certain staidness about his manner. Were he more animated, and more liberal of his gesture—always of course assuming that gesture to be directed by good taste—he would be one of the most popular speakers in our courts of law. His utterance is perhaps too slow : his words flow from him with as great a regularity, in regard to time, as if his delivery were the result of some mechanical contrivance. He scarcely ever presses anything in the shape of action into the service of his client. He is a man

of great self-possession, arising very likely from a consciousness of superior professional talents, and of ample resources. You may generally ascertain, a minute or so beforehand, when he is about to conclude, by his collecting the papers together, which had been spread out before him, and making them all into one parcel by means of a piece of red tape. In the last session of parliament, I recollect seeing him appear before the bar of the House of Commons, as counsel for some company, the name of which I forget, and after making a very able speech, he amused some of the honourable gentlemen by collecting and tying his papers together in the way I have described, when in the act of concluding his address. Mr. Wigram has now enjoyed the distinction of a silk gown for several years.

“It is an ill-wind,” says the proverb, “which blows nobody good.” Mr. Wigram is ready at any time to bear his most decided testimony to the justice of the observation. And well he may: there are few men who have greater reason. The wind which raised Sir Edward

Sugden to the Lord Chancellorship of Ireland, was doubtless an ill-wind to Lord Plunkett, but it was an excellent wind to Mr. Wigram; for it blew him by far the greater portion of Sir Edward's respectable and lucrative business. The learned gentleman is now understood to hold more briefs, and these for the most part highly marked, than any other man practising either in the Chancery or Vice-Chancellor's Court. To these two courts he confines himself. I do not recollect ever having seen him engaged in any case in the Rolls Court. But besides his practice in the courts just mentioned, Mr. Wigram is retained in a great many important cases of appeal before the House of Lords.

The learned gentleman is a Tory in his politics. He was the conservative candidate, at the last election, for the representation of Leominster, but was unsuccessful.

In his personal appearance, Mr. Wigram is about the average height, and compactly made. His countenance has a pleasant expression: it indicates mildness of disposition, and is so far, I believe, a correct index. His nose is sharp,

and his face inclines to thinness. His eye is quick and piercing. His complexion is darkish. He has all the appearance of enjoying excellent health. His age must be about forty-eight or fifty.

Mr. TINNEY, though not extensively known beyond the pale of the profession, has long been well known in Westminster Hall. His practice is respectable, but is by no means equal to his reputation as a lawyer. It has, however, considerably increased of late years. He received the gift of a silk gown about the same time as Lord Cottenham, and from that time began to date an improvement both in the quantity and quality of his business. He confines his practice to the Rolls Court, unless specially retained in some case in the Chancery or Vice-Chancellor's Court; in which case he quits the Rolls Court with very great pleasure,—for a time. As a lawyer he has always ranked high: he is considered to be very sound: one on whose opinions great reliance may be placed. As a speaker, he has scarcely any pretensions at all.

His voice is remarkable for its effeminate qualities; and its imperfections are greatly aggravated by a defective utterance. He speaks fast and thick: you would sometimes fancy that there was what an Irishman would call a regular row among the words in his throat, as if each were violently struggling for a priority of escape into open court. I have sometimes fancied that I could read in the countenance of the Lord Chancellor, while listening to the learned gentleman, the existence in his mind of a wish, that there were some riot act the reading of which could quell the disturbance caused by the rebellious words in his mouth. The defect in Mr. Tinney's delivery often renders it difficult to follow his argument. There are, however, few men at the Chancery bar who can more closely reason a point of law, or apply themselves with more effect to the merits of the case before the court. He is always zealous in the service of his clients. You see the interest he feels in the result in every word he utters, bad as his delivery is, and in every glance he directs towards His Honour. His zeal occasionally

leads him into considerable animation of manner. He is a laborious man in his profession. He applies himself so closely to the cases in which he is engaged, as to feel comparatively little interest in anything else. Perhaps to this circumstance we are to ascribe the fact of his taking no part in politics. I do not know what his political opinions are,—if he has any predilections that way. Certain it is that no one ever hears a whisper about Mr. Tinney's politics in Westminster Hall. He is a man of middle height, and proportionally made, but has a slight stoop about the shoulders. His complexion has no peculiar characteristic. It is something between dark and pale. His nose partakes in some measure of the peaked conformation. His features are long and marked. The expression of his countenance is intelligent rather than otherwise. He has been many years in practice in the equity courts, and is, I should think, on the wrong side of fifty.

Mr. TRESLOVE has not attained great celebrity as a lawyer. Still he rejoices

in the honour of a silk gown. When that distinction was conferred upon him, considerable surprise was felt, and also expressed at the circumstance, in the equity courts. In the course of this work, I have alluded to instances in which the party receiving the honour was a loser, rather than a gainer by it, in purse. Mr. Treslove, I believe, is another instance of this.

This gentleman is chiefly engaged in suits of long standing; for which the Court of Chancery, as all the world knows, has been proverbial from time immemorial. Mr. Treslove is not a first-rate speaker. His utterance is, for the most part, tolerably easy; but his voice is shrill and otherwise unpleasant. Occasionally he hesitates, as if he were doubtful of his ground; but when he sees his way clearly, and thinks he is working out an important argument, he displays considerable earnestness of manner.

His politics are decidedly Whiggish, though he is seldom spoken of as a politician in Westminster Hall. But for one prominent exhibition

which he has been in the habit of making of his political views, at long intervals, for some years past, the learned gentleman's notions respecting the principles on which he conceives public affairs ought to be conducted would be unknown to the world. The exhibition to which I refer is, that of his having, at every general election, except one, since the passing of the Reform Bill, been the proposer of Sir William Horne for the representation of the borough of Marylebone. He never, however, on such occasions, was very liberal of his oratory. He usually contented himself with saying a few sweet and savoury things about Sir William, and expressing his cordial approbation of his Whig politics. The learned gentleman is much respected in private life.

Mr. Treslove is rather above the middle height, and proportionally made. He has a sharp visage. His complexion is ruddy. In the expression of his countenance there is nothing peculiar. He was called to the bar in 1803, and must now be on the unpleasant side of fifty.

Mr. BOTELER has been many years king's counsel; but he is not so generally known as others of inferior professional talents, in consequence of his business being principally of a peculiar kind. That business chiefly lies in what is technically called drawing bills. As a barrister, he seldom appears in either of the equity courts, except when cases relating to tithes are under consideration. He has made the law relative to tithes the principal subject of his study. In all tithe cases, he is generally admitted to be the most distinguished lawyer of his day. As a speaker he is dry and heavy; but his positions are usually sound, and his matter relevant and highly argumentative. He is regarded as so great an authority in tithe cases, that if, on any occasion, the judge were to discover that his private opinion—not the opinion he is heard to express in court—was at variance with his own, it would have the effect of making the judge carefully reconsider the grounds on which he had come to the particular conclusion. He is a tall heavy-looking man. His complexion is dark, and his face indicates that he is advanced

in years. He was called to the bar in 1804, and must now be close on his fifty-fifth year, if he has not passed it.

Mr. SPENCE's practice is greater than his reputation beyond the locality of Westminster Hall. And as handsome fees are somewhat more substantial than mere celebrity "out of doors," I doubt not that had the learned gentleman been obliged to make a choice, he would not have hesitated for an instant in giving the preference to the good practice. Consequently, though he would very naturally have been better pleased to have enjoyed both, he must still think himself a fortunate man. Those only who possess reputation without practice know what a phantom the former is. The mere abstraction of fame never yet filled one's belly. He who has no better fare for dinner, must have great difficulty in keeping his stomach in proper subjection; for, as Lord Bacon long ago remarked, the rebellion of the belly is the worst of all rebellions. No one ever yet grew fat on so unsubstantial a commodity as reputation.

But though Mr. Spence is comparatively unknown beyond the precincts of the equity courts, he is well known to his professional brethren, by whom he is considered a highly respectable lawyer, and a man of good abilities. His practice was very considerable before his promotion to the first row, especially in drawing bills; but since that honour was conferred on him, it has greatly increased; more, however, in value than in quantity. He confines himself almost exclusively to the Rolls Court.

Mr. Spence is a conservative in his political principles. He lately sat for a short time for Reading. In defending his seat for that place, before a committee of the House of Commons, he incurred an expense of 5,000*l*. I believe I may safely say, that the learned gentleman has, in consequence, come to a resolution never again to aspire to a seat in the legislature. He is quite right, so long as the existing laws relative to elections are suffered to remain in force.

As a speaker, Mr. Spence has never made any impression. His enunciation is slow and arti

ficial ; affected, perhaps, would be a better term. One sometimes cannot help concluding that he parts as reluctantly with his words, as if they were some " dear friends " he never expected to meet with again. His voice either wants force, or it is treated with great injustice by him. There is a languor in his manner, which often operates, especially when he addresses the court for any length of time, in inducing a drowsy disposition.

Mr. Spence is a man of the middle size, and of average proportions. In the expression and complexion of his face there is nothing peculiar. He is a tolerably good-looking man, and seemingly about the middle age.

Mr. WHITMARSH is one of the most recently appointed king's counsel, the distinction of a silk gown having been conferred on him last term. Before that time his practice was chiefly confined to cases of lunacy, in almost all of which he was engaged in the character of chief commissioner. Since his advancement to the first row, he has declined acting as chief com-

missioner in lunacy cases. He has a tolerable general practice. As a lawyer he is looked on as respectable. The same may be said of him in reference to his general talents. He is a rather good speaker. His elocution is above mediocrity, and he occasionally delivers himself with some effect; but his chief fault as a speaker, is the want of animation and energy of manner. With a little more life in his appearance, and suitable gesture, he would make some very creditable exhibitions as a speaker. In person he is tall, with a scarcely perceptible stoop in his gait. His complexion has a good deal of freshness about it, and his countenance has a pleasant expression. A poet would say there was something of repose in his features. I, speaking in plain prose, would rather say that his countenance wears somewhat of an agreeably-pensive aspect. He was called to the bar in 1803, and must now be nearer his sixtieth than his fiftieth year.

Mr. BURGE, in addition to a respectable, though not extensive practice in the Chancery

courts, is occasionally retained in cases of some interest before the Privy Council and the House of Lords. Previous to his being raised to the distinction of a seat in the first row, which was in 1835, when Lord Lyndhurst presided in the Court of Chancery, the learned gentleman was little known. As a lawyer, he is thought favourably of by the profession; and his general abilities are respectable. He is cool in his manner, and can, when he thinks it will best serve his purpose, reason logically and with great clearness. He is a slow speaker. Were he to quicken his utterance, and display a little more animation, he would produce some effect in his forensic exhibitions; for he has a voice of considerable power, which is evidently capable of great things, were it turned to proper account.

Mr. Burge is a decided Tory in his politics. He was in parliament during the discussions, a few years since, on the Slave Emancipation question. He took an active part at that time on behalf of the West India planters. He displayed an intimate acquaintance with all West

India matters : a circumstance to be chiefly accounted for from the fact of his having been formerly Attorney General for Jamaica. He was also, for some time, legislative agent for that island.

Personally, Mr. Burge is slightly under the middle height, and proportionally made. The most prominent feature of his face is his large thick nose. His features are generally hard and marked, and his complexion has something of a darkish hue. Having been called to the bar in 1808, I should, from that circumstance, in conjunction with his appearance, set down his age at about fifty-three or fifty-four.

Mr. ROMILLY is the son of the celebrated Sir Samuel Romilly; on which account it chiefly is, that I have introduced his name in this place. His status at the bar would not alone, as I consider, have entitled him to a place in this work. He is understood to feel a deep interest in the result of any case in which he is retained.

Mr. Romilly was one of the seventy-two commissioners of bankrupts under the old law; but

Lord Brougham's bill having reduced the number to eight, he lost the situation. He is above the average height, and rather stoutly made. His complexion is clear, and his face full and of the oval form. His age, I should suppose to be under rather than above forty-five.

CHAPTER XIII.

GENERAL REMARKS AND ANECDOTES.

THE BROWBEATING AND VITUPERATIVE SYSTEM
 —CASES OF SIR WALTER RALEIGH AND DR.
 SMOLLETT — HAPPY RETORTS OF WITNESSES
 TO COUNSEL — INGENIOUS EXPEDIENT OF A
 COUNSEL—CONCLUDING OBSERVATIONS.

THE practice of browbeating witnesses, and vituperating the opposite parties in a cause, is, as I have before stated, carried to a most unseemly length in our courts of law. I have often wondered that the presiding judges should sit silently on the bench, while so scandalous a scene is passing before their eyes. In the case of the parties who are vituperated, there is no redress.

They are not allowed to defend themselves in court, nor can they, however coarse and libellous the attack, proceed by an action at law against their long-robed traducer. It is, therefore, to say the least on the subject, unmanly on the part of counsel to go out of their way to vituperate and vilify parties whose mouths are shut and whose hands are tied; and it is wrong in the presiding judge to suffer such unbecoming things to be done in court. As regards the browbeating of witnesses, there can be no question, that instead of promoting the ends of justice, such a course often defeats them. It would appear that the abusive and browbeating system is by no means a novelty in the profession. It seems to have flourished in great vigour so far back as the days of Sir Walter Raleigh. D'Israeli, in the second series of his "Curiosities of Literature," gives an account of the way in which that distinguished man was abused and traduced by no less a personage than Sir Edward Coke himself, who was, at the time of Sir Walter's trial, Attorney General. The remarks with which D'Israeli prefaces his speci-

mens of Coke's abuse of Sir Walter, are worthy of quotation, as well as the specimens themselves. He says, speaking of Coke, "This great lawyer, perhaps, set the example of that style of raillery and invective at our bar, which the egotism and craven insolence of some of our lawyers include in their practice at the bar. It may be useful to bring to recollection Coke's vituperative style in the following dialogue, so beautiful in its contrast with that of the great victim before him. The Attorney General had not sufficient evidence to bring the obscure conspiracy home to Raleigh, with which, however, I believe, he had cautiously tampered. But Coke well knew that James the First had reason to dislike the hero of his age, who was early engaged against the Scottish interests, and betrayed by the ambidexterous policy of Cecil. Coke struck at Raleigh as a sacrifice to his own political ambition, as we have seen he afterwards immolated his daughter; but his personal hatred was now sharpened by the fine genius and elegant literature of the man; faculties and acquisitions the lawyer so heartily contemned."

D'Israeli, after these prefatory observations, proceeds to give some specimens of the vituperation which Coke heaped upon Raleigh, in the following dialogue between the parties. Coke having previously observed to the court that he knew with whom he had to deal—that he had “to deal to-day with a man of wit”—turned himself towards Sir Walter, and said, “Thou art the most vile and execrable traitor that ever lived.”

Raleigh—You speak indiscreetly, barbarously, and uncivilly.

Coke—I want words sufficiently to express thy viperous treason.

Raleigh—I think you want words, indeed; for you have spoken one thing half-a-dozen times.

Coke—Thou art an odious fellow; thy name is hateful to all the realm of England for thy pride.

Raleigh—It will go near to prove a measuring cast between you and me, Mr. Attorney.

Coke—Well, I will now make it appear to the world that there never lived a viler viper

upon the face of the earth than thou. Thou art a monster; thou hast an English face, but a Spanish heart. Thou viper! for I *thou** thee, thou traitor! Have I angered you?

“Raleigh,” observes D’Israeli, replied, what his dauntless conduct proved—“I am in no case to be angry.”

But Raleigh was not the only great man who was thus abused by Coke. The Earl of Essex was subjected to similar treatment at his hands. So also was no less a man than the illustrious Lord Bacon himself. That the vituperation which Coke heaped on Bacon must have been of the worst and coarsest kind, may be inferred from the fact that Bacon has left among his memorandums one in the following terms:—“Of the abuse received of Mr. Attorney General publicly in the Court of Exchequer.”

Smollett, the celebrated novelist, was also subjected to the virulent vituperation of one of

* This I suppose meant, that Coke was addressing Raleigh in the most contemptuous manner he could adopt.

the long-robed gentlemen of his day. Smollett, it appears, had been tried in the Court of King's Bench for an assault he had committed on a person named Peter Gordon, who rewarded the greatest kindness and generosity on the part of the novelist, not only by ingratitude but insult. Mr. Hume Campbell acted on the occasion of Smollett's trial, as the counsel of Peter Gordon, and true to the abusive instinct with which, it is said, he was largely endowed, vilified the defendant in the grossest manner. What the nature of the vituperation was which the latter received at the hands of the said Mr. Hume Campbell, and how sensibly he smarted under it, may be inferred from the following passages from a letter which Smollett wrote to his "learned" vilifier, some days after his trial:

"SIR—I have waited several days in hope of receiving from you an acknowledgment touching those harsh, unjustifiable, and (let me add,) unmannerly, expressions which you annexed to my name, in the Court of King's Bench, when you opened the cause depending between me and Peter Gordon; and as I do not

find that you have discovered the least inclination to retract what you said to my prejudice, I have taken this method to refresh your memory, and to demand such satisfaction as a gentleman injured as I am has a right to claim.

“The business of a counsellor is, I apprehend, to investigate the truth in behalf of his client; but surely he has no privilege to blacken and asperse the character of the other party, without any regard to veracity or decorum. That you assumed this unwarrantable privilege in commenting upon your brief, I believe you will not pretend to deny, when I remind you of those peculiar flowers of elocution which you poured forth on that notable occasion. First of all, in order to inspire the court with horror and contempt for the defendant, you gave the jury to understand that you did not know this Dr. Smollett; and, indeed, his character appeared in such a light from the facts contained in your brief, that you never should desire to know him. I should be glad to learn of what consequence it could be to the cause, whether you did or did not know the defendant, or whether you had or

had not an inclination to be acquainted with him? Sir, this was a pitiful personality, calculated to depreciate the character of a gentleman to whom you were a stranger, merely to gratify the rancour and malice of an abandoned fellow who had feed you to speak in his cause. Did I ever seek your acquaintance, or court your protection? I had been informed, indeed, that you were a lawyer of some reputation, and, when the suit commenced, would have retained you for that reason, had not I been anticipated by the plaintiff; but, far from coveting your acquaintance, I never dreamed of exchanging a word with you on that or any other subject; you might therefore have spared your invidious declaration, until I had put it in your power to mortify me with a repulse, which, upon my honour, would never have been the case, were you a much greater man than you really are. Yet this was not the only expedient you used to prepossess the jury against me. You were hardy enough to represent me as a person devoid of all humanity and remorse; as a barbarous ruffian, who in a cowardly manner had, with two

associates as barbarous as myself, called a peaceable gentleman out of his lodgings, and assaulted him in the dark, with intent to murder. Such a horrid imputation, publicly fixed upon a person whose innocence you could hardly miss to know, is an outrage, for which, I believe, I might find reparation from the law itself, notwithstanding your artful manner of qualifying the expression, by saying, provided the facts can be proved. This low subterfuge may, for aught I know, screen you from a prosecution at law, but can never acquit you in that court which every man of honour holds in his own breast. I say, you must have known my innocence, from the weakness of the evidence which you produced, and with which you either were or ought to have been previously acquainted; as well as from my general character and that of my antagonist, which it was your duty to have learned. I will venture to say, you did know my character, and in your heart believed me incapable of such brutality as you laid to my charge. Surely, I do not over-rate my own importance in affirming, that I am not so obscure in life as

to have escaped the notice of Mr. Hume Campbell; and I will be bold enough to challenge him and the whole world to prove one instance in which my integrity was called, or at least left, in question. Have not I therefore reason to suppose that, in spite of your own internal conviction, you undertook the cause of a wretch, whose ingratitude, villany, and rancour, are, I firmly believe, without example in this kingdom; that you magnified a slight correction bestowed by his benefactor, in consequence of the most insolent provocation, into a deliberate and malicious scheme of assassination; and endeavoured, with all the virulence of defamation, to destroy the character, and even the life, of an injured person, who, as well as yourself, is a gentleman by birth, education, and profession? In favour of whom, and in consequence of what, was all this zeal manifested, all this slander exhausted, and all this scurrility discharged? Your client, whom you dignified with the title of Esquire, and endeavoured to raise to the same footing with me in point of station and character, you knew to be an abject miscreant, whom my com-

passion and humanity had lifted from the most deplorable scenes of distress; whom I had saved from imprisonment and ruin; whom I had clothed and fed for a series of years; whom I had occasionally assisted with my purse, credit, and influence.

“ After having sounded the trumpet of obloquy in your preamble, and tortured every circumstance of the plaintiff’s evidence to my detriment and dishonour, you attempted to subject me to the ridicule of the court, by asking a question of my first witness, which had no more relation to the cause than if you had desired to know the name of his grandmother. What title had you to ask of a tradesman, if he knew me to be an author? What affinity had this question with the circumstances of the assault? Was not this foreign to the purpose? Was it not impertinent, and proposed with a view to put me out of countenance, and to raise the laugh of the spectators at my expense? There, indeed, you were disappointed, as you frequently are, in those little digressive efforts by which you make yourself remarkable. Though I do

not pretend to possess that superlative degree of effrontery by which some people make a figure at the bar, I have assurance enough to stand the mention of my works without blushing, especially when I despise the taste, and scorn the principles, of him who would turn them to my disgrace. You succeeded, however, in one particular; I mean, in raising the indignation of my witness; of which you took all imaginable advantage, puzzling, perplexing, and brow-beating him with such artifice, eagerness, and insult, as overwhelmed him with confusion, and had well nigh deprived me of the benefit of his evidence.

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“ Your whole behaviour to me was equally insolent and unjust: for, granting that you had really supposed me guilty of an intended assassination, before the trial began: you saw me in the course of evidence acquitted of that suspicion, and heard the judge insist upon my innocence in his charge to the jury, who brought in their verdict accordingly. Then, Sir, you ought, in common justice, to have owned your-

self mistaken, or to have taken some other opportunity of expressing your concern for what you had said to my disadvantage ; though even such an acknowledgment would not have been a sufficient reparation ; because, before my witnesses were called, many persons left the court with impressions to my prejudice, conceived from the calumnies which they heard you espouse and encourage. On the whole, you opened the trial with such hyperbolical impetuosity, and conducted it with such particular bitterness and rancour, that everybody perceived you were more than ordinarily interested ; and I could not divine the mysterious bond of union that attached you to Peter Gordon, Esq., until you furnished me with a key to the whole secret, by that strong emphasis with which you pronounced the words Ferdinand Count Fathom. Then I discovered the source of your good-will towards me, which is no other than the history of a law-suit inserted in that performance, where the author takes occasion to observe, that the counsel behaved like men of consummate abilities in their profession ; exerting themselves

with equal industry, eloquence, and erudition, in their endeavours to perplex the truth, brow-beat the evidence, puzzle the judge, and mislead the jury. Did any part of this character come home to your own conscience; or did you resent it as a sarcasm levelled at the whole bar without distinction? I take it for granted, this must have been the origin of your enmity to me: because I can recollect no other circumstance in my conduct, by which I could incur the displeasure of a man whom I scarce knew by sight, and with whom I never had the least dispute, or indeed concern. If this was the case, you pay a very scurvy compliment to your own integrity, by fathering a character which is not applicable to any honest man, and give the world a handle to believe, that our courts of justice stand greatly in need of reformation. Indeed, the petulance, license, and buffoonery of some lawyers in the exercise of their function, is a reproach upon decency and a scandal to the nation; and it is surprising that the judge, who represents his majesty's person, should suffer such insults upon the dignity of the place. But,

whatever liberties of this kind are granted to the counsel, no sort of freedom, it seems, must be allowed to the evidence, who, by-the-bye, are of much more consequence to the cause. You will take upon you to divert the audience at the expense of a witness, by impertinent allusions to some parts of his private character and affairs; but if he pretends to retort the joke, you insult, abuse, and bellow against him as an impudent fellow who fails in his respect to the court. It was in this manner you behaved to my first witness, whom you first provoked into a passion by injurious insinuations; then you took an advantage of the confusion which you had entailed upon him; and, lastly, you insulted him as a person who had shuffled in his evidence. This might have been an irreparable injury to the character of a tradesman, had he not been luckily known to the whole jury, and many other persons in court, as a man of unquestionable probity and credit. Sir, a witness has as good a title as you have to the protection of the court, and ought to have more, because evidence is absolutely necessary for the investigation of

truth, whereas the aim of a lawyer is often to involve it in doubt and obscurity. Is it for this purpose you so frequently deviate from the point, and endeavour to raise the mirth of the audience with flat jokes and insipid similes? or, have you really so miserably mistaken your own talents, as to set up for the character of a man of humour? For my own part, were I disposed to be merry, I should never desire a more pregnant subject of ridicule than your own appearance and behaviour; but, as I am at present in a very serious mood, I shall content myself with demanding adequate reparation for the injurious treatment I have received at your hands; otherwise I will in four days put this letter in the press, and you shall hear in another manner—not from a ruffian and an assassin—but from an injured gentleman, who is not ashamed of subscribing himself, &c.”

This extract is long, but it is interesting both from the popularity of the writer, and from the justice of its observations. The picture which Dr. Smollett has here so emphatically drawn of the proceedings in the courts of justice in his

day, is one which is unfortunately still too common; though it must certainly be admitted, that great as is the extent to which the browbeating system is still carried on in our courts of law, we are not so bad in this respect as our ancestors were. No counsel, I believe, even had he the disposition, would be suffered to apostrophise any party to a trial in the terms in which Coke addressed Sir Walter Raleigh. It is but justice also to a very considerable portion of the profession to say, that they not only disclaim in words the browbeating practice, but that they also discountenance it in their forensic exhibitions; and I have no doubt that in the course of time it will be abandoned altogether. One of the most gratuitous and unfeeling instances of the kind which have of late come under my own notice, occurred a few months ago. I purposely omit the name of the counsel, and also that of the case in which it occurred. A respectable looking woman, forty-five years of age, and dressed in deep mourning, had been summoned to give evidence in a case before the court. Having ascended the witness-

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box, the counsel for the opposite party inquired, in stern accents, what was her age.

Witness—Forty-five, Sir.

Counsel—Forty-five, eh?

Witness—Yes, Sir.

Counsel—That is a pretty advanced age for a woman, is it not?

The witness held down her head as if confounded by the observation, and was silent.

Counsel—You have been married, Madam, I understand?

The tear gathered in the poor woman's eye, and in a few seconds she felt unable, from the crowd of mournful associations to which the word gave rise in her mind, to answer the question. At last she faintly articulated—"I have."

Counsel—Come, speak up, Madam; there must be no mum people here.

The harsh manner in which this was spoken, not less than the words themselves, inflicted another deep wound on the susceptible feelings of the poor woman, and she again applied her handkerchief to her eyes.

Counsel—And your husband, I believe, died a fortnight ago? Is it not so, Madam?

The witness's feelings now completely overpowered her. She sobbed audibly, and was for some time unable to utter a word. When in this state, and while, I am convinced, there was not a stranger in the court whose heart did not feel most deeply for the poor woman, the counsel, addressing her in the harshest conceivable manner, said, "Come, Madam, away with your tears; you are not come here to blubber, but to give evidence."

Were any person to exhibit such barbarity of feeling in private society, or in any other place than a court of law, I leave my readers to imagine in their own minds what would be the treatment he would receive from the parties present.

The counsel practising at the Old Bailey are all eligible to plead in the courts of law at Westminster Hall. They seldom, however, appear in the latter place. When they do, they sometimes come in shoals. At a trial some ten or twelve months since, which took place in the

Court of Common Pleas, there were several of the Old Bailey counsel. They are far less refined in their examinations and cross-examinations of witnesses, than the counsel who practise in the courts of law. Towards the end of last year, or the beginning of the present, I am not sure which, some very coarse specimens of this kind were exhibited in the course of a trial in which Morison, the Hygeist, was the plaintiff, and in which the merits of the case chiefly turned on the medicinal qualities of his pills.

I have repeatedly seen counsel in our courts of law, who were attempting to be very witty at the expense of some adverse witness, get the laugh completely turned on themselves, by the happy retorts of the party under cross-examination. In the spring of the present year a very amusing instance of this occurred. A clownish looking lad, about twenty years of age, who, judging from his appearance, one would have supposed had not two ideas in his head, was put into the witness-box. The counsel for the prosecution, by whom

he had been called, having asked him a few questions, all of which he satisfactorily and promptly answered, the counsel for the defence rose with an air of self-importance, and pulling up his gown on his shoulder, said—"Now, Sir, I have got a few questions to ask you."

"Werry good," said the witness drily.

Counsel — I suppose, Sir, you know the prosecutor very well?

Witness, (hesitatingly) — Vy yes, I *does* know him.

Counsel—But I mean intimately.

The witness was silent.

Counsel — Come, Sir, answer my question. Do you not know the prosecutor very intimately?

Witness—Not *werry* intimately.

Counsel — Do you mean to say, Sir, that you ———

"Vy," interrupted the witness with great seeming simplicity, and amidst shouts of laughter from all present; "Vy I don't vish to say anythink at all about it, if you'd only hold your own tongue."

Counsel — Come, Sir, don't be impertinent.

Witness—I does'nt know vat that ere word means.

Counsel — No, and I dare say you never heard of Chesterfield either.

Witness — Never; I ne'er heard on 'em, Sir. (Laughter.)

Counsel — I can well believe that. Come tell me then, if you ever heard of the prosecutor's daughter.

Witness (hesitatingly) — The prosecutor's daughter?

Counsel—Ay, the prosecutor's daughter.

Witness—Vich of them do you mean?

Counsel—What, has he got so many of them?

Witness—O, lots on 'em, Sir. (Loud laughter.)

Counsel—Well, I mean the one that you're in love with.

Witness (with great archness of manner) — Vich of them is that?

Counsel—O you know that best yourself.

Witness—Vell, if I do, I don't mean to be a tellin' it to every one (Renewed laughter.)

Counsel (speaking in rather a low tone of voice)—Come, Sir, tell me and the court, whether you are not on the terms of marriage with the prosecutor's daughter.

The witness was silent.

Counsel — Come, Sir, answer the question. You were very prompt in your answers to my learned friend.

Witness—Your "*learned friend*" spoke much louder than you do, Sir.

It is impossible to convey by words any idea of the effect which this retort had on the court. The cutting sneer and bitter irony with which, without seeming to be aware of it, he pronounced the words "your learned friend," exceeded anything I have ever witnessed in the best acting of the best comedians of modern times. The judge could not restrain his laughter within reasonable bounds, but joined audibly in the universal shout; while the poor counsel looked the very impersonation of chagrin.

Singularly enough, in the same court and on the same day, the laugh was equally turned against another counsel who was doing his best

to be at once severe and witty at the expense of an adverse witness. The latter was one of the skin-and-bone class of persons, and by a curious coincidence so was the counsel. You could not look on either without coming to the conclusion that to partake of a substantial meal must be an era in their existence. "So, Sir," says the counsel to the witness, in the regular brow-beating style; "So, Sir, you have been in the prosecutor's house?"

Witness—I have.

Counsel—Have you been often?

Witness—Sometimes. (A laugh.)

Counsel—That, Sir, is not an answer to my question. I ask, have you been in this person's house often?

Witness (with much archness of manner)—
I don't know what you mean by often.

Counsel—Have you been twenty times?

Witness—I never kept 'count how many times. (Laughter.)

Counsel—Come, Sir, don't be rude. I ask you, have you been twenty times in this man's house?

Witness—I can't speak positively as to the number of times.

The Bench—*About* the number of times; speaking according to the best of your belief?

Witness (with great readiness and politeness)—I should think, my Lord, I have been in the prosecutor's house from fifteen to twenty times.

Counsel (with great harshness of manner)—So, Sir, though you could not answer the question when put by me, you found no difficulty in answering it when put by his lordship.

Witness—His lordship put ——

Counsel (interrupting witness)—Stay a little if you please, Sir.

Witness—O, certainly; as long as you like; I'm in no particular hurry. (Loud laughter.)

Counsel—Perhaps, Sir, you would condescend to tell the court what your object was in going to the prosecutor's house?

Witness—The court has not asked me the question. (Renewed laughter.)

Counsel—Don't be insolent, Sir; *I* have asked you the question.

Witness—Then I can't answer you.

Counsel—You *must* answer me, Sir.

Witness—I can't; for I often went without knowing the reason why. (Laughter.)

Counsel—Can you inform us then about what particular hour you were in the habit of visiting his house?

Witness (looking towards the bench)—Is it necessary that I should answer that question, my Lord?

The Judge—If you can, I do not see why you should not.

Counsel—Come, Sir; answer the question.

Witness—I should suppose it generally was between one and two o'clock.

Counsel (his countenance brightening up as if he had made some important discovery)—O, I see; that was about the dinner-hour, was it not?

Witness—I never inquired what was the dinner hour. (Laughter.)

Counsel—Perhaps not; but I dare say your nose would be of some service in enabling you to ascertain it.

Witness—My nose, Sir, never asks any questions. (Loud laughter.)

Counsel, (his face colouring with confusion) —But though your nose does not speak, I dare say it has acquired considerable dexterity, from experience, at discovering when a good dinner is on the table of a friend and enabling you to regulate your visit accordingly.

Witness—You must be judging of my nose from your own, Sir. (Roars of laughter, in which the Bench joined.)

Counsel (labouring to conceal his mortification)—You seem disposed to be very witty to-day, Sir.

Witness—I think *we* are, Sir.

This sarcastic though only implied allusion to the efforts of the counsel to be witty, told with admirable effect.

Counsel—You say that your favourite hour for visiting this man's house was between one and two o'clock.

Witness—I never said anything of the kind.

Counsel (pulling himself up) —What, Sir,

do you mean to deny what you have just said ?
Recollect, Sir, you are on your oath. .

Witness—I said that that was generally about the time ; but I never said anything about “*favorite* hour.”

Counsel—Well, Sir ; perhaps you would have no objection to tell us whether you were in the habit of partaking of the prosecutor’s dinner when honouring him with your visits at the particular time you mention.

Witness—I do not see what that has to do with the present case.

Counsel—It’s not what *you* see, Sir. Pray, Sir, answer me the question, whether you were in the habit of partaking of this man’s dinner on such occasions ?

Witness—Whether I partook of it or not, depended on circumstances. .

Counsel—On what circumstances, Sir ?

Witness—Why, on whether I was *asked* to partake of it or not. (Loud laughter.)

Counsel—Yes ; I dare say you never declined an invitation when you got one.

Witness (with great emphasis)—Never, Sir. Never refuses a good dinner when I can get one. (Renewed laughter.)

Counsel—Ay, I can well believe that. And I'm sure you would do the dinner of any friend ample justice.

Witness—I always do my best, Sir, on such occasions. (Loud laughter.)

Counsel—I don't doubt it : you have always, I suppose, a good appetite and capacious stomach when at the table of a friend.

Witness—Always, Sir.

Counsel—Ay, you look the very picture of a hungry fellow.

Witness—Yes, Sir ; both of us look the picture of hungry fellows : we look as if we were kept on starvation allowance.

The walls of the court resounded again with the shouts of laughter which followed this severe retort, the effect of which was greatly heightened by the peculiar archness of manner in which it was made. The learned gentleman was completely crest-fallen, and made no further efforts to be witty at the witness's expense.

The judges in the courts of common law have, agreeably to arrangements among themselves, to preside at the trial of prisoners in the Central Criminal Courts, Old Bailey. The scenes which are exhibited while the trials are proceeding with at the latter place, often afford a striking contrast to those which one is accustomed to witness at Westminster Hall. At the Old Bailey we are furnished with illustrations of human nature, which would oftentimes prove highly amusing, were it not that they are associated with the trials of persons charged with serious crimes against society ; and the commission of which crimes implies so great a defectiveness in the moral conformation, that no man of principle can contemplate it without feelings of the deepest pain.

The trials at which the law judges preside at the country assizes, are similar in their nature to those which usually take place at the Old Bailey. There, if possible, still more ludicrous circumstances are of frequent occurrence during the administration of the criminal jurisprudence of the country. This may be accounted for

from the circumstance of the peasantry in the country being much more unsophisticated in their natures and manners than the inhabitants of large towns. Perhaps few judges ever more enjoyed, at the country assizes, anything ludicrous than did the late Baron Garrow. He was also remarkable for the ease and readiness with which he could adapt himself to the peculiarities of the different persons who were put into the witness-box. By that means he elicited important facts from them, which the most ingenious examinations and cross-examinations of counsel had failed to bring out. A witness was seldom or ever a couple of minutes in the box after Baron Garrow began to speak to him, before he felt quite as comfortable and as much at home as if he had been over his tankard of ale with some of his boon companions. Witnesses, from whom nothing could be extracted when examined by others, were communicative in the highest degree to his lordship. With the present Mr. Justice Allan Park, witnesses often get very familiar, when he chances to be in a pleasant mood,—but he has not perhaps the tact or

quick perception of human nature, to turn this unguarded familiarity to the utmost account as an administrator of justice. At the very last circuit Mr. Justice Park went, some amusing exemplifications were afforded, of the ease at which witnesses find themselves, when he is in a good humour. One was in the case of a woman, who was prosecuting a party, who had stolen something from her. In the course of the proceedings, Mr. Justice Park put a variety of questions to her, and accompanied them with those free-and-easy sort of observations, in which he is unrivalled on the bench. The plain unsophisticated woman, became at last as much at home with the judge, as if she had been all the while speaking to her husband. The trial ended in a verdict for her. She was overjoyed at the circumstance, and in the plenitude of her exultation and simplicity, went up to the bench to Mr. Justice Park, extending her hand to him, with the view of shaking hands. The poor woman has ever since protested that no man could have "done the thing" better than his lordship did, and that

she will always have him for judge in any future case, should she ever have one; though she has still a lingering ground of dissatisfaction with him, because he was so uncivil as to refuse to shake hands with her.

In my sketches of counsel, I have repeatedly referred to the dexterity which they occasionally display on behalf of their clients. One of the most ingenious expedients I have ever heard mentioned, as resorted to by a counsel to obtain the acquittal of his client, occurred in the case of a barrister now in the East Indies. The story, as communicated to me, and which, it may be right to mention, I give without being able to pledge myself to its accuracy, is this:—Some years ago a young man, respectably connected, was tried at one of our country assizes, on a charge of having stolen a quantity of linen. The result of the trial, it was clear, would depend entirely on whether the identity of the linen was or was not established; and there could be as little doubt, unless something extraordinary could be done for the prisoner by counsel, that the linen found in his possession would be iden-

tified as that which had been stolen from the prosecutor. In this emergency an idea occurred to the counsel. Having understood, some time before the trial was to come on, that the prosecutor, who kept a shop for the sale of linen, as well as other articles, had for sale a portion of the same web as the piece which had been stolen, he caused a friend to go and purchase a small quantity of it. This being done, he immediately caused it to be made into a shirt for himself, and with that shirt on his back he appeared at the trial. A person in the employ of the prosecutor having been put into the witness-box to prove that the stolen linen was the property of his master, gave his evidence in the most decided terms on the subject. The counsel for the prisoner subjected him to a severe cross-examination, but for some time there appeared no probability that anything would transpire which could in the least degree invalidate his testimony in the estimation of the jury. The cross-examination, it was generally supposed in court, was about to be closed in despair of eliciting anything of importance from the witness, when

the counsel observed, in something of a brow-beating tone—"And so, Sir, you are quite certain that this piece of linen was your master's property?"

Witness—Quite certain of it, Sir.

Counsel (pulling himself up)—Quite certain?

Witness—Perfectly so.

Counsel—No doubt whatever?

Witness—Not the slightest, Sir.

Counsel—And pray, Sir, by what extraordinary process have you come to this very positive knowledge?

Witness—I know the piece of linen, Sir, to have been my employer's from its texture and quality, when I compare it with another piece of the same web which I now hold in my hand.

Counsel—Do you mean to say, Sir, that there was anything so very peculiar in the texture or quality of this web of linen, as that you could by that means at once distinguish it from all others?

Witness—I do say, that I know from the tex-

ture and quality of this linen, that it is my master's property.

Counsel—Now, Sir; take care what you say : remember you are on your oath, and that you may afterwards hear something about the evidence you are giving this day in court. Again, Sir, I ask, are you quite sure, judging from the quality and texture of this linen, that it is the piece your master had stolen from him?

Witness—I'm quite positive on the subject, Sir.

Counsel—Do you mean to say that it might not bear a very strong resemblance to it without being actually the piece itself?

Witness—I repeat again, Sir, that it is the identical piece itself.

Counsel (advancing to the witness-box, and unbuttoning his waistcoat)—Well, Sir, would you do me the favour to look at the breast of my shirt?

Witness—Certainly, Sir.

Witness accordingly took hold of the breast of the learned gentleman's shirt, and applying his

eye closely to it, examined it very carefully. As he withdrew himself from the examination, and presented himself again to the court, he coloured and looked very much confused.

Counsel—Well, Sir, you have examined the linen of which my shirt is made?

Witness (with much less emphasis than before)—Yes, Sir.

Counsel—And do you see any resemblance in its quality and texture to that of the piece stolen from your employer?

Witness—There is some resemblance, Sir.

Counsel—Only *some*! Is there not a great deal?

Witness—I should say there is a great deal.

Counsel—Perhaps you would like to look at the texture and quality of my shirt a second time?

Witness—O not at all, Sir: it is not necessary.

Counsel—I think you had better: perhaps on a second inspection you may be able to discover a still stronger resemblance between the quality and texture of the two. Do just look a second time.

The witness again inspected the breast of the learned gentleman's shirt.

● Counsel—Well, Sir, does the resemblance still seem as strong as on the first view?

Witness—It does, Sir.

Counsel—A little stronger, perhaps?

Witness—I should say it does appear fully as strong.

Counsel—Are you prepared, Sir, to swear that my shirt is not of exactly the same texture and quality as the piece which the prisoner, my client, has been charged with having stolen?

The witness hesitated, and again looked pale.

Counsel—Ay, I don't wonder that you hesitate and look confused. I again ask you—and remember, Sir, that you are on your solemn oath—again I ask you, whether you are prepared to say, that there is any difference between the texture and quality of my shirt and the texture and quality of the piece of linen which the prisoner is accused of having stolen?

Witness (in a subdued tone, and with great manifest reluctance)—I cannot say there is.

Counsel (assuming a most indignant air)—
And so, Sir, you would have the hardihood to come here and take away, not only the character, but the life,* of the unfortunate young man at the bar, on your fancied superior knowledge of the identity—judging, too, only from the mere quality and texture of the article—of the piece which was stolen.

The witness held down his head, and uttered not a word.

“And so, gentlemen,” turning to the jury;
“and so, gentlemen, this is the way that innocent men often suffer from the ignorance of witnesses who have an overweening conceit of their own supposed superior knowledge. Is it necessary, gentlemen, that I should proceed further with this case? Or do you not think with me, that the witness, the only one called to speak to the question of identity, having so signally failed in the attempt to establish that identity,—it would only be an unnecessary waste of the time of the court, as well as of your own,

* The offence was at that time capital.

gentlemen, to proceed one step further with the matter ?”

The jury at once expressed their concurrence in the view of the case taken by the counsel for the prisoner, and in the next breath returned a verdict of acquittal.

In my introductory chapter, I adverted to the fact of many legal gentlemen sitting quite quietly, if not contentedly, day after day, and month after month, in court, without ever having their vision regaled with the sight of a single brief. There are others, again, who, though not briefless altogether, are within a few degrees of it. I know one learned gentleman whose business as a barrister is confined to one case. In that case he had been retained—if the word be not in the peculiar circumstances a misnomer—for several years past. He moved in it once every year, with the regularity of the seasons. His client, somehow or other, incurred the high displeasure of one of the courts, in consequence of doing something which was construed into a contempt of it. The party

had for some years been suffering the penalty of that contempt in one of our prisons; and the duty of the learned gentleman, was to move once a year for the liberation of his client, and to make the best speech he could in support of his motion. This he does with the greatest possible pomp and parade,—just as if he were the most distinguished lawyer of the age, and as if he had the largest practice in Westminster Hall. The other counsel are quite delighted as every revolving year brings round the great field-day. Whether the speech of the learned gentleman, as well as the case and his motion, be the same, I am not able to say; but the consequential way in which he goes to work, and the array of authorities with which he supports his argument, have procured for him, among his brethren of the bar, the *sobriquet* of “the Learned Gentleman.” I have often heard of men of one idea, and still more frequently of lawyers who never rejoiced in a brief; but this is the first time I have heard of a barrister with one, and only one case.

But even a speech once a year, if a good one,

is not to be thought lightly of. In the course of the preceding sketches, I have had occasion to refer to instances in which men who for years had never had an opportunity of making a speech at all, because during all that time they had never been retained in any case,—have, by one happy forensic effort, paved the way for future eminence and success of the most distinguished kind. Need I again refer my readers, in illustration of this, to the case of Lord Eldon? Even out of doors a single speech has often led to most important results to the orator. There is now a well-known counsel practising in a certain court in London, but who is very seldom seen in Westminster Hall, who had been induced by mere accident to make a speech at a religious public meeting in a county town; and so great was the impression it made on the heart of a young lady who was present, that she became all at once enamoured of the speaker. An introduction followed; and that was soon succeeded by the marriage of the gentleman to the fair admirer of his oratory and of himself; and as the lady had a large fortune, the case

may be justly referred to as illustrative of the important results to which even a single speech may sometimes lead.

I adverted in my first chapter to the fact of the names of vast numbers of gentlemen who have been duly called to the bar, appearing in the law list, who are never seen in Westminster Hall, or in any other court of law. Many of those gentlemen have gone through the requisite course of studies for the bar, with no other view than that of acquiring a certain status in society by being called barristers. Others again have made an effort in early life to obtain employment as counsel, but failing in the attempt, have abjured the legal profession, and applied themselves to other pursuits. A great many of our most distinguished literary men are members of the bar, although their names are, either altogether or almost, unknown in connexion with the powdered wig and ample gown. I may mention among these, the late Sir John Sinclair; Sir Egerton Brydges, who died a few weeks since; Mr. Hallam, author of the "Middle Ages;"

and Mr. Lockhart, editor of the "Quarterly Review."

The House of Commons is full of barristers, though in most cases unknown as such. Among the number may be mentioned Mr. Abercromby, the present Speaker; Mr. Cutlar Ferguson; Mr. C. W. W. Wynn; Mr. Tennyson D'Eyncourt; Mr. Bernal, chairman of committees; Sir George Strickland; Mr. Yates Peel, brother of Sir Robert Peel; Sir Robert Inglis; Mr. Shaw Lefevre; Mr. Francis Baring; Mr. Maclean; and Sir George Grey. I may here mention that the late Speaker of the House of Commons, now Lord Canterbury, was also brought up to the bar.

Among the present cabinet ministers, two of the best known, studied for the English bar, and at one time intended to make it their regular profession, though circumstances occurred to make them change their intentions. I allude to Lord Melbourne himself, and to Lord Glenelg. Lord Auckland also, lately a member of the ministry, was brought up to the bar; so was Lord

Sidmouth, so long a member of the Liverpool administration.

The ranks even of the church have been recruited from the bar. There are now about thirty of her clergy who were regularly called to the bar, but who, on opportunities presenting themselves for entering the sacred office, unhesitatingly exchanged the courts of law for the altar and the pulpit. Two of these reverend gentlemen belong to noble families. I allude to the Hon. and Rev. Dr. Bernard, brother to the Earl of Bandon, and to the Hon. and Rev. Marmaduke Langley, brother to Viscount Downe.

In Westminster Hall there are always a greater or less number of eccentric characters. I believe there are fewer at present than at any former period within the recollection of the oldest practitioner there. The late Mr. Serjeant Cockell, for many years the great antagonist of Mr. Law, afterwards Lord Ellenborough, had many peculiarities about him. He was particularly addicted to good-fellowship, and would spend night after night without going to bed at

all, if he met with kindred spirits. How he managed to make himself acquainted with the merits of the cases intrusted to him, when, after spending the whole day in court, he passed the whole night in boon-companionship, was the surprise of the whole bar and yet no client ever had to complain of injustice being done to his case. The fact was only to be accounted for by the circumstance of his being a man of a singularly ready mind, conjoined with the possession of a most retentive memory. Some barristers still living, who knew him well, relate various anecdotes illustrative of the alarm he sometimes caused to his clients, when they found that, for some days before their case was to be brought under the consideration of the court, he had been living in the way I have described. For one such anecdote, I am indebted to the appendix to a small poetical squib on the then leading counsel in Westminster Hall, published ten or twelve years since. "In a cause," says the writer, "of great importance and magnitude, which was tried at York, Mr. Serjeant Cockell was leading

counsel for one of the parties. On the evening preceding the trial, a consultation was held at his lodgings, at which, to the great consternation of the attorney by whom he was retained, the learned serjeant was 'too far gone' to talk about business. The attorney was presently prepared to take his departure, under the impression that the case would inevitably be lost. 'It will be all right,' hiccupped the learned serjeant, as he observed the horror and despair which were depicted in the poor attorney's face; 'it will be all right to-morrow; leave it to me.' The attorney was confounded as to what course he ought to adopt. It was too late to employ another counsel, and professional etiquette, besides, forbade the idea. He was accordingly obliged to leave the case in Serjeant Cockell's hands, and to trust to chance. The latter sent for the junior counsel in the cause, and got from him the leading points in it. He then resumed his debauch, and continued it to a late hour on the following morning. He then dipped a napkin into cold water, and tying it in its wet state round his head, threw himself down on his

bed, when, having slept for two or three hours, he rose 'quite himself again.' When the court opened, he was ready with his usual good looks and presence of mind. He then went on with the cause, which lasted the whole day, and to the great surprise and satisfaction of the quaking attorney and his client, succeeded in getting a verdict; and it was remarked, that he never distinguished himself more than on that memorable occasion."

Though I have more than once alluded in the course of this work, to the proverbial gravity of our judges, I have at the same time shown that there are several of those who now sit on the bench who are particularly partial to a pun, when they can either perpetrate one, or fancy they can do so. That Lord Abinger should avail himself of any opportunity which is presented to him of having his joke, will surprise no one who has seen his ever-smiling countenance; but it will surprise those who have seen the singularly serious aspect of Lord Eldon's face when presiding in the Court of Chancery, and who have, as almost every one has, associated in their

own minds the most imperturbable gravity with the very constitution of his lordship,—to learn that no judge of his day displayed a more marked partiality towards anything witty, when it came from himself, than did that venerable and learned lord. He could not, however, endure the thought of any one else attempting a joke in the Court of Chancery. He seemed to fancy that if a smile was, for the sake of variety, to be indulged in there, he himself must be its author, in so far as regarded the cause. He could in this respect bear no rival near the throne. And it is but justice to Lord Eldon to say, that some of his witticisms were rather happy. To this trait in his lordship's character I did not allude in my sketch of him, because I thought that the specimens of his wit or puns—for I really do not know which in this case is the best word—which I intended to give, might be introduced with greater propriety in the concluding chapter of the work, than in the sketch itself of the noble and learned lord. For the following specimens I am indebted to the appendix to the

small poetical satire on the bar, to which I have before referred. It may be right to observe, that I give them without any other alteration than that of changing the phraseology in one or two instances, so as to make the parties speak in the first person. The first case related to an injunction moved for by a Mr. Metcalfe against a Mr. Thompson, for the invasion of the rights conferred by a patent. The case was brought before the court in the form of a motion for an injunction to restrain the defendant from selling brushes of the particular kind specified. But there is the case as it appears reported :

Plaintiff has a patent for hair brushes of a particular sort ; defendant was selling, without license, brushes of the same sort. No counsel appearing for the plaintiff, the Lord Chancellor observed—" This injunction must *be brushed off*, unless some counsel be soon here to support it."

Counsel for the plaintiff having immediately afterwards made his appearance, Sir Samuel Romilly, who was retained for the defendant,

produced a brush, which had been used by a wig-maker for above twenty years, which was exactly the same as the patent brush.

Lord Eldon—Is it a *fox's* brush.* (The owner of the brush was named Fox.)

Sir Samuel Romilly—It is, my Lord.

Lord Eldon—Show me the brushes.

Here four head-brushes, one long broom, one three-buckle brush, and three clothes-brushes, were handed up to his lordship. Nothing was heard but peals of laughter. The only two grave persons in the court were Messrs. Metcalfe and Thompson.

Sir Samuel Romilly—Now, my Lord, ingenious as the construction of these patent brushes

* Punning, or rather the attempt to pun, is contagious. See how soon Mr. Treslove, who is still a Chancery barrister, was infected with the desire to show off his wit, after Lord Eldon had begun the thing. See also, in proof of what I have said of his lordship's dislike to any rivalry in the accomplishment, if so it is to be called, of punning, how promptly he pounces on Mr. Treslove's name, and makes it the subject of his puns.

may be, your Lordship will find that it is exactly the same as this brush of my friend Fox, which has been used for thirty years.

Lord Eldon—Hand me up this *old Fox's* wig ; really this antique looks uncommonly well.

Mr. Treslove—Your Lordship will see, by looking at it, that it is the same *to a hair* as the patentee's brush ; only they look a little fresher.

Lord Eldon—That is, Mr. *Tress*-love, because they are younger. I have examined this old brush, and I see it is a curiosity of the kind ; but when you and I get as old, and our *tresses* have been well worn, we shall perhaps look as antique.

Mr. Treslove—My Lord, I advised my client not to show his brush.

Lord Eldon—Then I must say, that you being a *pursuer*, were *at fault* there ; for if an injunction is granted by this court the article on which such an injunction is granted must be lodged with the Master. I remember, in a case of waste, that a person actually *fixed an oak-tree* to an affidavit he had made, to show the

court of what nature the trees in question were.

The above humorous sallies of his Lordship were greeted with peals of laughter from the bar. It must be admitted that they were happy and well-sustained. Mr. Hood himself, indeed, would, I am sure, not be ashamed of some of them, if they had been his offspring. Another case came before the Court of Chancery several years ago, which afforded his Lordship some good opportunities for indulging his punning propensities; and he availed himself of those opportunities with becoming readiness. To what account he turned them will be inferred from what follows. The case was brought at the instance of Messrs. Sherwood and Co., the well-known publishers in Paternoster Row, against Pierce Egan. It was in the shape of an injunction, to restrain the defendant from publishing an additional volume of a work called "The Boxiana."

When the motion was made, his Lordship observed—"I have often heard of boxers being in

Chancery." (This is a phrase made use of when one of the pugilists gets the head of his opponent fast under his left arm.)

Mr. Shadwell* stated the case.

Lord Eldon—Have you got any affidavit, or are you going upon what is called *the fancy*?

Mr. Shadwell — I have an affidavit, my Lord.

After some discussion, his Lordship, addressing himself to Mr. Egan, said—"Can you not alter your title-page?"

Mr. Egan—I can, my Lord, and though the learned counsel has been very *striking* in his address, yet he will not be able, after all, to *make a hit*.

Lord Eldon—Well, but I really think, Mr. Egan, that with a little alteration in your title-page, you may *hit* Mr. Shadwell fairly out of court.

These puns were all tolerably good, and excited a great deal of merriment in the court; but even had they been the worst it were possible to perpetrate, they would have met with at least a *seemingly* gracious reception from

* The present Vice-Chancellor.

the bar; for counsel make a *point* of laughing, or at any rate attempting to laugh, at anything which comes from the bench, which either is, or is intended by its author to be, witty. They fancy that by affecting to admire, if they do not in reality, the witty sallies of the occupiers of the judicial seat, they thereby stand a chance of ingratiating themselves with the bench; a consummation very devoutly to be wished, both on their own and their clients' account. I have never seen a unanimous effort made by the counsel, to manufacture a laugh, by way of visible pretended admiration of the cleverness of "his lordship," without recalling to mind my own school-boy days, when all the pupils vied with each other as to who should greet any witticism, perpetrated by the pedagogue, with the best laugh, in the hope of averting corporal punishment,—which was at that time quite in vogue in all the grammar-schools. In most of the courts at Westminster Hall, but especially in the Court of Chancery, it is a treat of no ordinary kind to see a simultaneous effort made by the bar, to greet with a good laugh

any witticism from the bench. Any one would at once come to the conclusion that there was hardly a person among the number who was used to the laughing mood. Anything more clumsily performed than some of the exhibitions made by counsel in this way, it were impossible to conceive. Some of the physiognomies of the learned gentlemen present on such occasions an aspect indescribably odd. The mortal struggle between their habitual gravity of expression, and the wish to impart to their faces a laughing appearance for the moment, has an irresistibly droll effect on the spectator. I have frequently wished on such occasions that Hogarth had been alive and present. He would, I am convinced, in that case have produced a picture which would have thrown all the other productions of his pencil into the shade.

The profession of the law, more, perhaps, than any other profession that could be named, has a tendency to blunt the better susceptibilities and to deaden the kindlier sympathies of human nature. Still there are many exceptions to the rule. There are now, as there always have been,

various gentlemen belonging to the profession, whose hearts are as deeply imbued with the kindlier feelings of our common nature, and whose manners are as mild and engaging, as when they first entered a court of law. In the course of my sketches of the members of the bar, I have glanced at various instances of this. Need I again refer to the cases of Sir William Follett and Mr. Serjeant Talfourd, as two out of many? On the bench, also, there are at present instances of the same kind. But perhaps the most striking habitual display of humane feeling, blended with mildness of manners, which has been witnessed in modern times, was in the case of Mr. Justice Bayley, who retired a few years since from the Court of King's Bench. Considering the station he filled, this excellent man and distinguished judge may be said to have conferred an honour on human nature. He was scarcely ever known to have passed the sentence of death on a fellow-creature (and it was his duty to pass such a sentence on hundreds) without shedding tears for the unhappy party. This amiable and humane man is still living. His

public and private conduct has always shown how deeply his mind has been, from early life, imbued with the spirit of the christian religion. His devotional frame of mind induced him, some years since—and this amidst all the bustle and business of a public life—to publish an edition of the book of Common Prayer, with notes by himself. The same feeling of piety led him to remark to a friend, long after he had occupied a seat in the Court of King's Bench, that he would much rather be a country clergyman, with a small vicarage, than Lord Chief Justice of that court.

Before concluding it may be proper to mention, that there are various gentlemen of distinction belonging to the bar, who occasionally visit the courts of law in their professional capacity, but not with such frequency as would have justified a notice of them, as barristers, in a work of this nature. Mr. Horace Twiss, late member for Bridport, is one of the gentlemen to whom I refer. Mr. Roebuck, member for Bath, is another; and Mr. Charles Buller, the representative of the electors of Liskeard, is a third.

I could name many others who are similarly circumstanced, but it is unnecessary. Had my work embraced those barristers who are in the same situation as the gentlemen whose names I have mentioned, it must have been extended to a very inconvenient size. I have confined myself to professional men who possess a greater or less measure of reputation as barristers, and who are in the habit of regularly attending in our courts of law.

It may be also right to state, that the subjects of my sketches are restricted not only to barristers of some standing in their profession, but that they are confined to those who are in the habit of practising in the courts at Westminster Hall. Had I taken a wider range, I must have embraced the gentlemen who practise in the Ecclesiastical Courts, and at the Central Criminal Courts, Old Bailey. This would have afforded me some excellent subjects; but it would have given to the work somewhat of a heterogeneous character. In the Ecclesiastical Courts, I should have had for subjects, such men as Drs. Dodson, Lushington, Addams, Phillimore, &c. Had

I taken up the barristers in the Old Bailey, I should have had Mr. Charles Phillips, Mr. Clarkson, Mr. Adolphus, Mr. Bodkin, and others; each of whom would have afforded abundant materials for a sketch. But, for the reasons I have stated, I have thought it better to pass over these gentlemen in my present work, though it is very probable I may avail myself of some other opportunity of giving notices of them.

I cannot conclude these volumes without adverting to the fact, that true eloquence has, of late years, most grievously declined at the English bar. I am not sure whether there be not now a greater number of sound lawyers in Westminster Hall, than at any former period; but surely, no one who knows anything of the subject will pretend that, in point of genuine eloquence, the bar of the present day can admit of a moment's comparison with that of a former period. At present I know of no master-spirit in Westminster Hall. We look in vain for an Erskine or a Brougham; we look in vain in our courts of law even for such men as but

lately conferred a lustre on Scotland and Ireland, by the brilliancy of their forensic displays in either country. We cannot boast either of a Jeffrey or of an O'Connell. Whence is this? What is the cause of this decline in the true eloquence of the English bar. I have heard various reasons assigned for it; but I cannot concur in any one which has yet been mentioned to me. The most common hypothesis is, that there is now a greater number of cases before our courts, and that consequently those barristers who possess the greatest abilities are retained in so many cases, that they are, to a certain extent, obliged to make their forensic exhibitions a matter of mere business; which it is said, precludes that attention to their matter and style, which is indispensable to the loftiest order of eloquence. I cannot see any force in this. If such were the case, how happens it that none of the junior counsel, whose minds are not distracted by an accumulation of business, give no indications, in any of their efforts, of the possession of true eloquence? Besides,

the most successful and most celebrated lawyers at present in Westminster Hall, did not leap into an overpowering business at once. Many of them remained for years unknown to public fame, after being called to the bar. Why did not they distinguish themselves by eloquence and oratory of a commanding order, before their minds were distracted by the multiplicity and extent of their professional business? The simple answer is, that none of them have possessed, any more than they now display, of the higher attributes of genius. My own decided opinion is, that adventitious circumstances of any kind have nothing to do with that dearth of genuine eloquence which is so manifest in most of the forensic efforts of the present members of the bar. I am satisfied that the real cause is to be found in the absence of the higher order of genius, and in nothing else. Wherever there is this order of genius, it will rise superior to all accidental circumstances; its innate energy will overcome every obstacle which would oppose its manifestation, and cause it to burst forth on an

astonished and admiring world. If there were any incipient Erskines or Broughams in Westminster Hall at present, the light of their genius would soon break out in their oratory, in all its dazzling splendour.

It is worthy of observation, that there is at the present time, and has been for a number of years, the same dearth of genuine eloquence or oratory—for in this case I regard the terms as synonymous—in the legislature as at the bar. We have no Fox among the present members of the House of Commons—none that can for a moment be compared with the Burkes, or Sheridans, or Pitts, or Cannings, who night after night were formerly in the habit of entrancing that body by the splendours of their eloquence. And this dearth, or rather utter absence, of eloquence of the higher order, in the House of Commons, is doubtless to be ascribed to the same cause as that by which I have endeavoured to account for its non-existence at the bar,—namely, the fact of there being no master spirits in that House at the present time. Whether or not the late elections have returned some oratorical

geniuses of the first magnitude, though hitherto mute and inglorious, is one of those points which time only can determine.

THE END.

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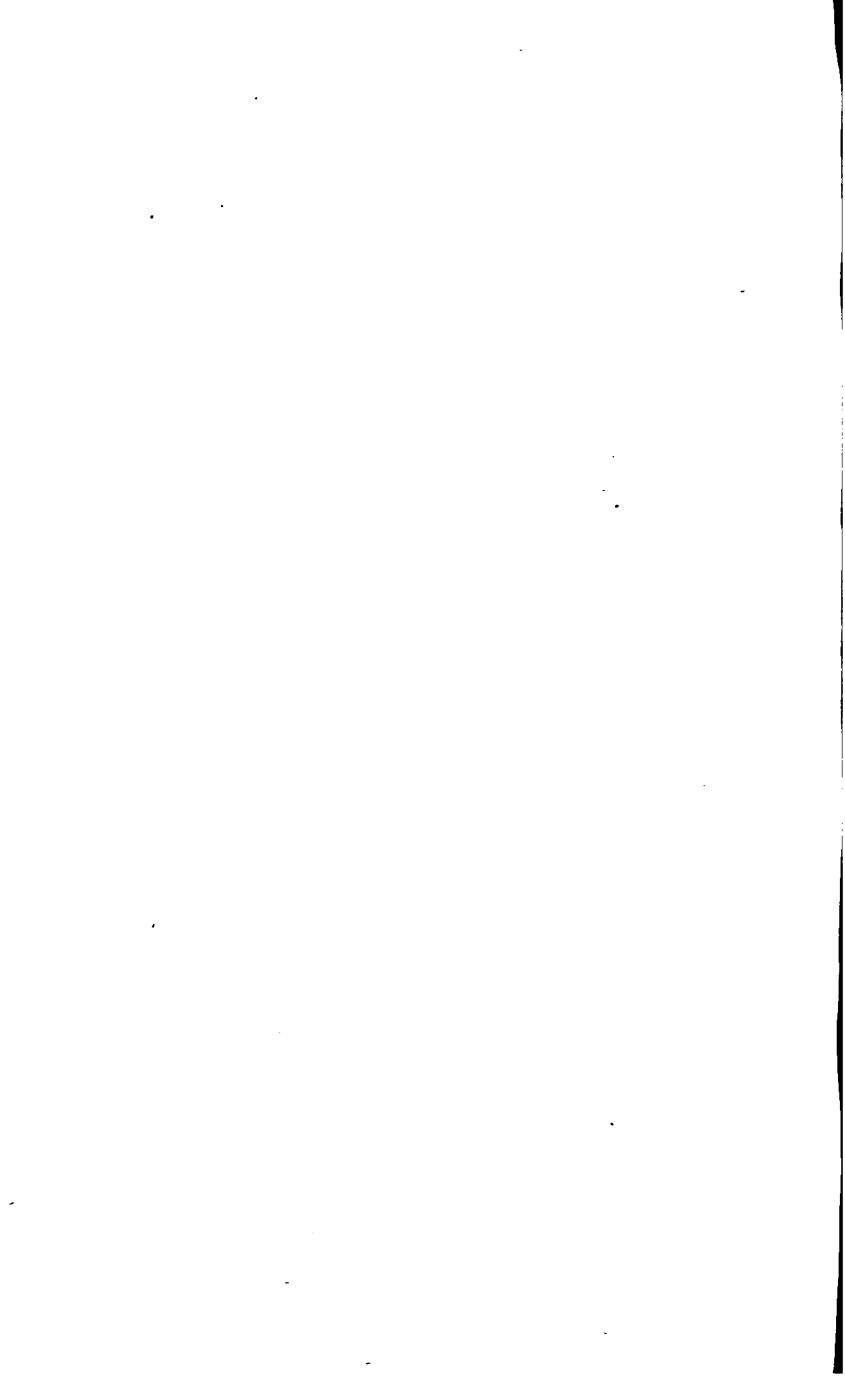
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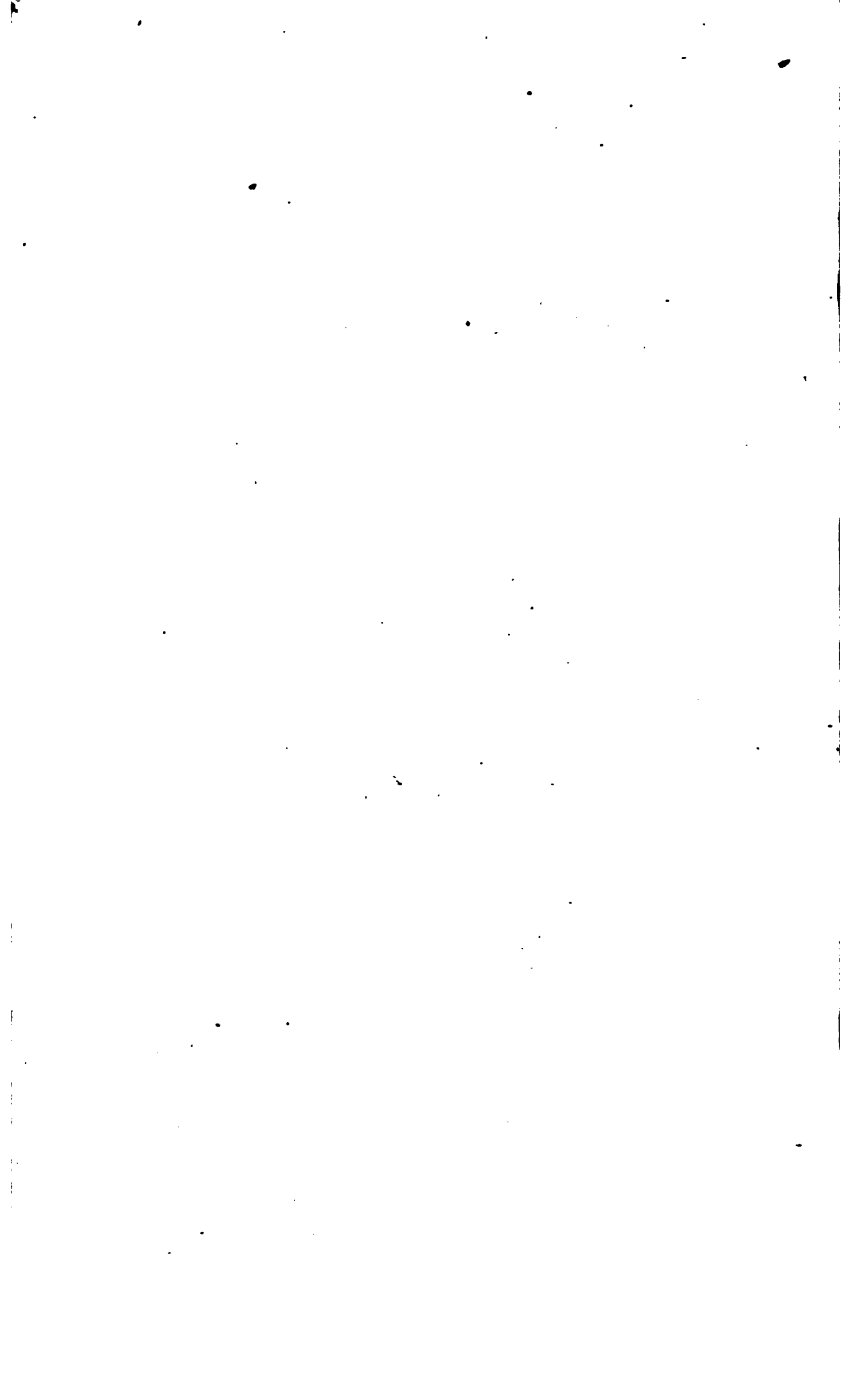
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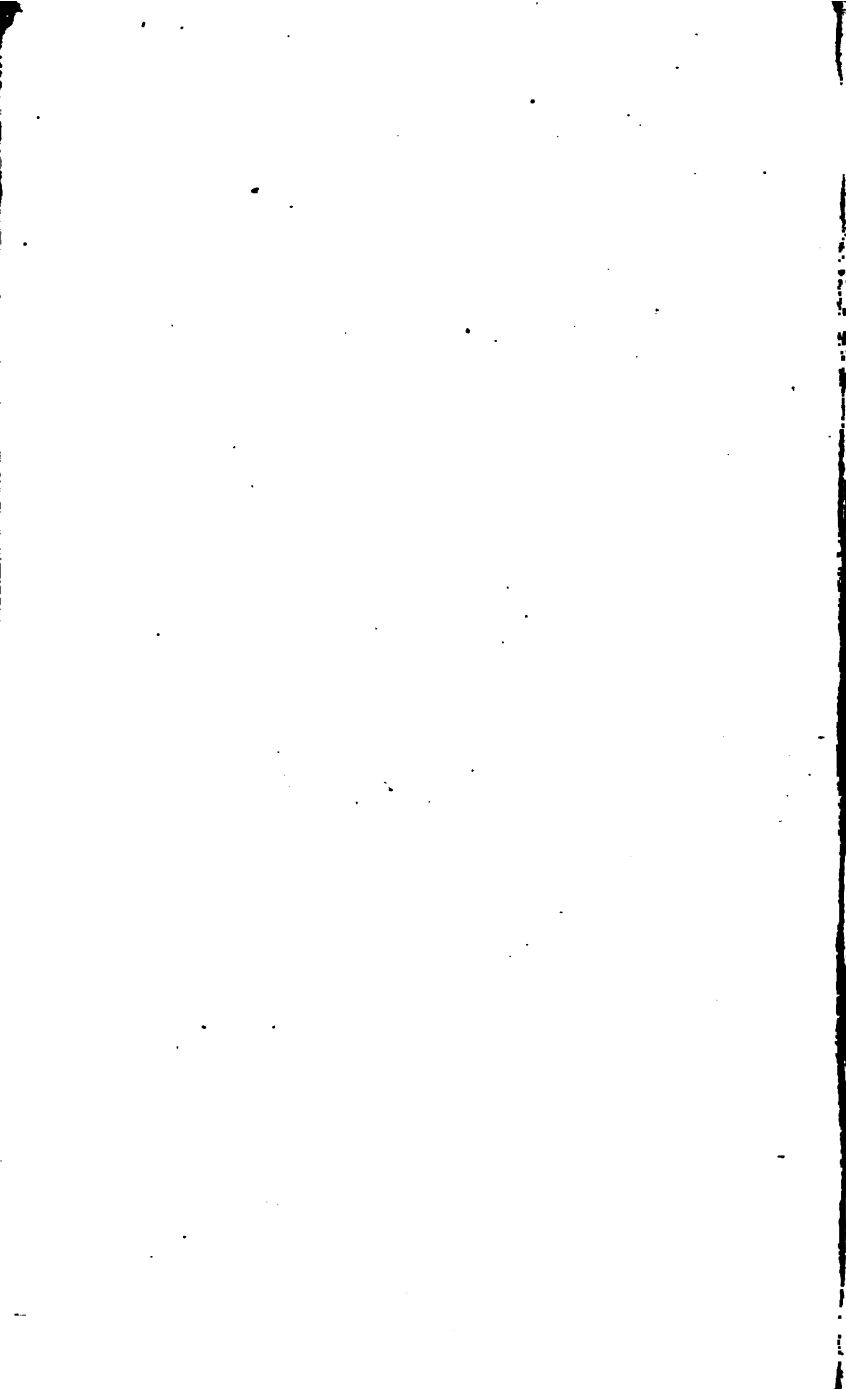


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